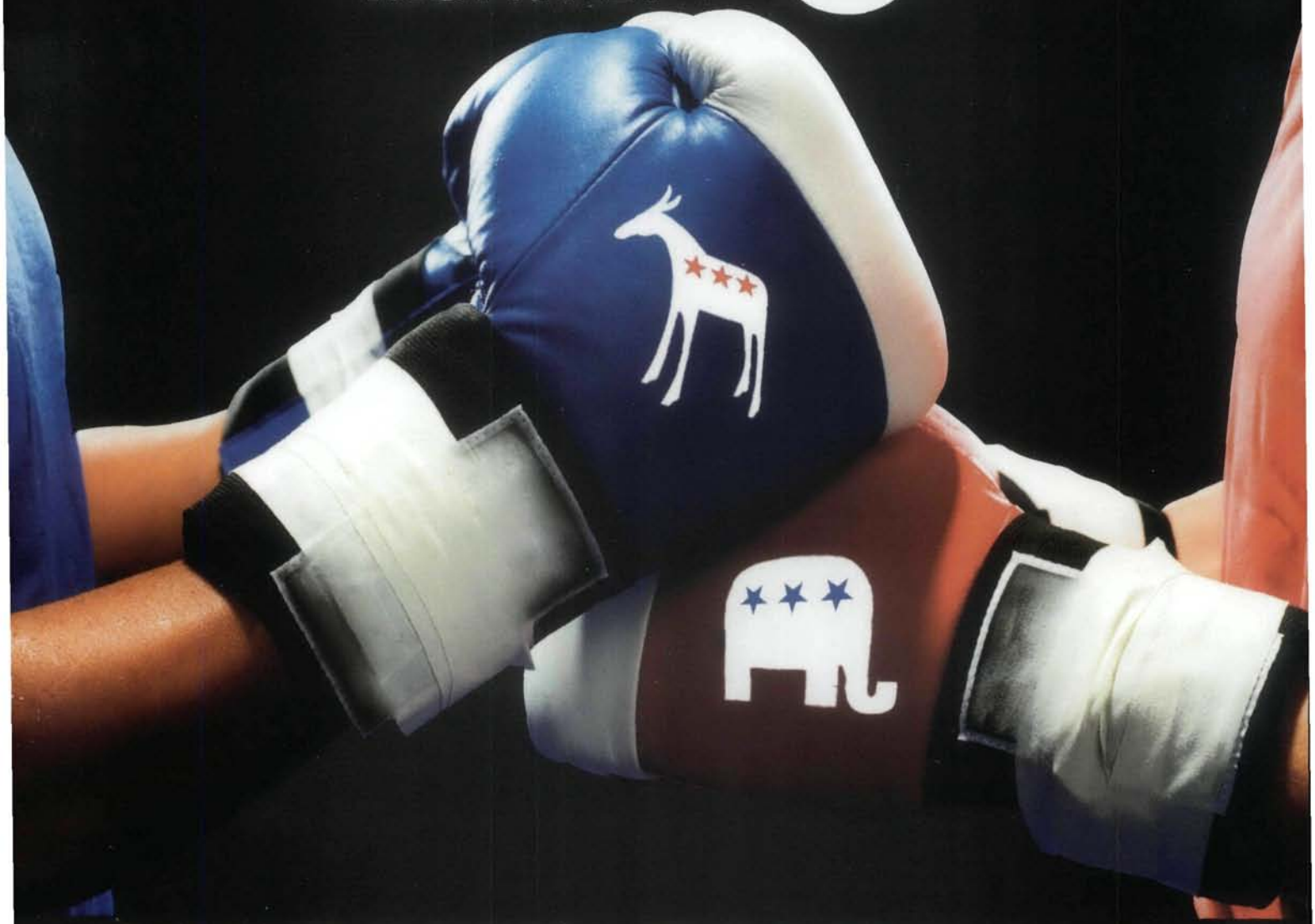
Washington MONTHLY



SHOWDOWN '06

★ Paul Glastris on the meaning of the midterms. ★

★ Rachel Morris on the Democrats' stealth campaign to win the House. ★

★ Zachary Roth on Steny Hoyer, the man who would be majority leader. ★

NOVEMBER 2006
$4.50 U.S./$5.50 CAN

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BILL MOYERS JANE FONDA
JESSE JACKSON*
AMY GOODMAN PHIL DONAHUE
JUAN GONZALEZ ROBERT W. McCHESNEY

CHANGE HAPPENS HERE

Shoddy journalism. Partisan spin. Corporate consolidation. Fake news. Internet under attack. These are the problems. It's time to fix them.

Join these luminaries plus Ben Bagdikian, Van Jones, Kim Gandy, Rev. Tim MacDonald and FCC Commissioners Michael Copps and Jonathan Adelstein — along with thousands of activists, media makers, educators, journalists, policymakers and people like you at the National Conference for Media Reform. Come to connect, learn, share and join the movement for reform.

A better world begins with better media. And better media begin here. Join us.

THE NATIONAL CONFERENCE FOR MEDIA REFORM

JANUARY 12-14, 2007 | MEMPHIS, TENNESSEE | FREEPRESS.NET/CONFERENCE

*The 2007 National Conference for Media Reform is presented by Free Press, on the web at www.freepress.net. * Invited*

freepress

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Washington MONTHLY

November 2006 | Vol. 38, No. 11

FEATURES

Politics 101 13
The meaning of the midterms.
By Paul Glastris

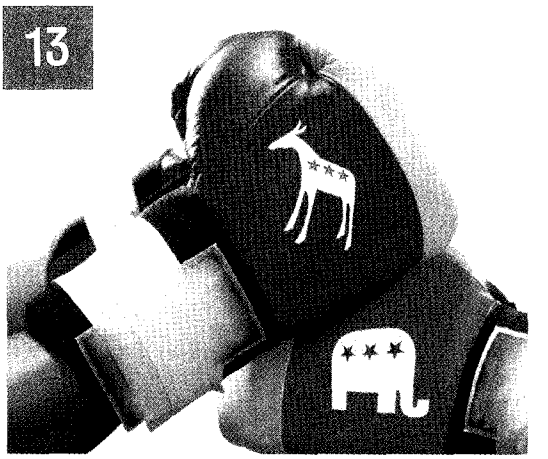
The Race to Gerrymander 15
Democrats have a parallel campaign to win the House. It starts in the states.
By Rachel Morris

Death Wish 19
If terrorists attack Congress, America could have no legislative branch. House Republicans are fine with that.
By Avi Klein

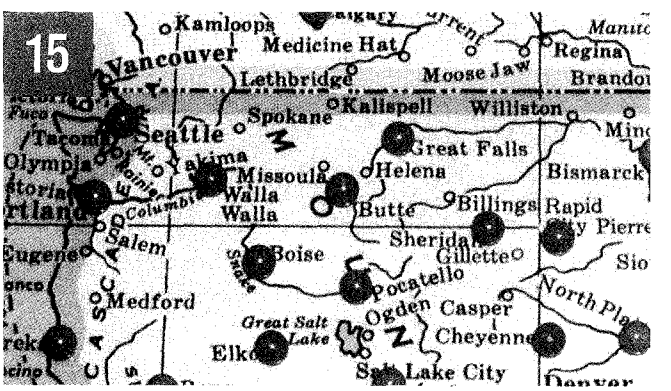
SPECIAL INVESTIGATION
Poison Pill 23
How Abramoff's cronies sold the Medicare drug bill.
By Barbara T. Dreyfuss

The Establishmentarian 30
If Democrats win control of the House, Steny Hoyer will have Tom DeLay's old job. Some things will change. Some won't.
By Zachary Roth

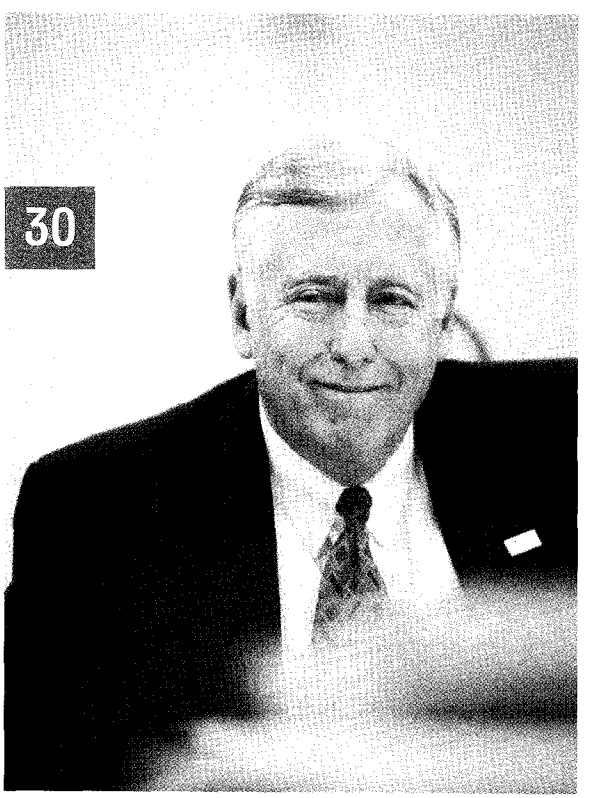
13



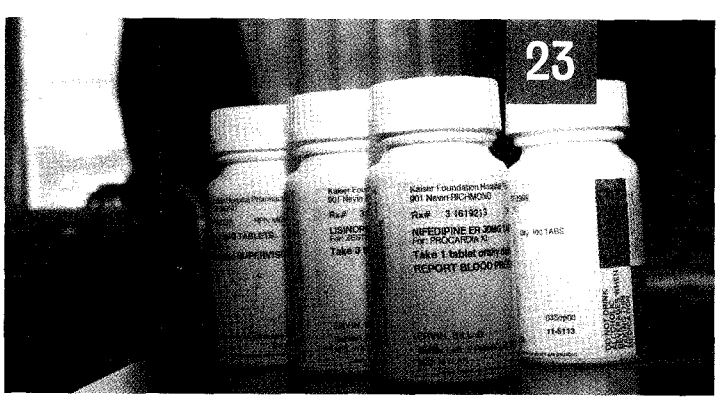
15



30



23



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Washington MONTHLY

DEPARTMENTS

Letters 3

Tilting at Windmills 7
The great contracting scandal ... Golf course seduction ... The Wal-Mart effect ...
By Charles Peters

TEN MILES SQUARE

Washington's androgynous fish. 11
Parody by T.A. Frank

ON POLITICAL BOOKS

Last Woman Standing 37
Would presidential candidate Hillary Clinton be destroyed by today's vicious media, or is she the only Democrat who can survive it?
By Noam Scheiber

Pet Sounds 39
My iPod is reading my mind.
By Kevin Drum

The Loud Mouth 41
What Aristotle would like about Michael Moore.
By Jamie Malanowski

Average Zhou 43
A generation scarred by China's cultural revolution is taking charge.
By T.A. Frank

The Invention of Shopping 45
How the department store brought us teenagers, naval disarmament, and Salvador Dali.
By Christina Larson

Markos Kounalakis
PRESIDENT

Paul Glastris
EDITOR IN CHIEF

Nicholas Penniman
PUBLISHER

Charles Peters
FOUNDING EDITOR

Christina Larson
MANAGING EDITOR

Carl Iseli
ASSOCIATE PUBLISHER

Editors: Rachel Morris, Zachary Roth, Rebecca Sinderbrand
Books Editor: Kukula Kapoor Glastris
Consulting Editors: T.A. Frank, Reynolds Holding
Contributing Writer: Kevin Drum
Broadcast Editor: Peter Laufer
Business Manager: Claire Iseli
Vice President, Development: Amy Lambrecht
Contributing Editors: Jonathan Alter, Thomas N. Bethell, Tom Bethell, Katherine Boo, Taylor Branch, Matthew Cooper, Michelle Cottle, Gregg Easterbrook, John Eisendrath, James Fallows, Joshua Green, Mickey Kaus, Phil Keisling, Michael Kinsley, Nicholas Lemann, Suzannah Lessard, Arthur Levine, Joshua Micah Marshall, Jon Meacham, Stephanie Mencimer, Matthew Miller, Timothy Noah, Joseph Nocera, Leonard Reed, John Rothchild, Stephen Pomper, Jonathan Rowe, David Segal, Walter Shapiro, Joshua Wolf Shenk, Amy Sullivan, Nicholas Thompson, Steven Waldman, Benjamin Wallace-Wells, Robert Worth
Editorial Advisory Board: Nicholas Lemann, *Chair*, Clara Bingham, Debra Dickerson, James Fallows
Founder's Board: Charles W. Bailey, Russell Baker, James David Barber, Edgar Cahn, David Halberstam, Richard Reeves
Graphic Designer: Dustin Weaver
Assistant Editor: Soyoung Ho
Interns: Joseph Michael Corcoran, Jesse Singal
Assistant to the President: Velia Amarasingham
Office Manager/Assistant to Business Manager: Eve Qureini
Subscription Assistant: Melanie Janus
Fact-checker: Timothy Dickinson
Proofreader: Sally Cutler

Subscription Rates: U.S. and possessions: one year, $44.95; two years, $79.95; three years, $109.95. For Canadian and foreign subscriptions, add $10 for surface delivery; air mail delivery add $32. Back issues, $5. The Washington Monthly is indexed in the Book Review Index, Political Science Abstracts, Public Affairs Information Service, the Readers' Guide to Periodical Literature, and Ulrich's International Periodicals Directory and may be obtained on microfilm from University Microfilms International, Ann Arbor, MI 48106. Published monthly except combined Jan./Feb. and July/Aug. issues by The Washington Monthly, LLC, wholly owned by W.M. Corporation, a District of Columbia non-profit corporation.

Reprint Rights: Please call Soyoung Ho at 202-393-5155, or send an email to editors@washingtonmonthly.com.

Subscription Service: Please call our customer service department toll-free at (877) 765-4849, or send an email to service@washingtonmonthly.com.

Advertising Sales: Please call Linda Miller at MKTG Services at 215-867-4102. Email: lmiller@mktgservices.com.

Services for the Visually Handicapped: Please contact Kathy Bouening of Volunteer Services for the Visually Handicapped, at 414-286-3039, to request a recording of this magazine for $2.25 per cassette.

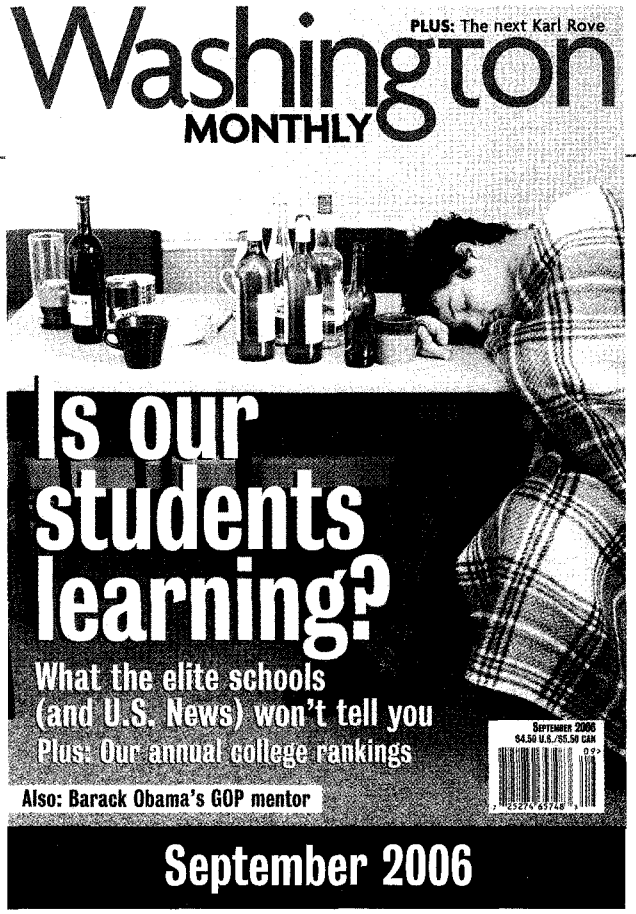
© 2006 The Washington Monthly LLC. . All rights reserved. Reproduction without permission is prohibited. ISSN 0043-0633.
Postmaster: Send change of address to The Washington Monthly, 1319 F Street., NW, Suite 710, Washington, DC 20004. Periodicals postage paid at Washington, D.C. and at additional mailing offices. Unsolicited manuscripts must be accompanied by a stamped, self-addressed envelope unless emailed:

Editorial offices: 1319 F Street, NW, Suite 710, Washington, DC 20004; tel: 202-393-5155 / fax: 202-393-2444
Publishing offices: 916 Kearny Street, San Francisco, CA 94133; tel: 415-402-0252 / fax: 415-402-0922

www.washingtonmonthly.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LETTERS



Measure for measure

Kevin Carey's premise in his recent article ("Is Our Students Learning?" September) seems to be that colleges are deliberately hiding information which—if made public—would allow the creation of a perfect ranking system for institutions of higher education. Private colleges are portrayed as the chief villain in this tale of evasion and subterfuge. On all counts, he's just plain wrong.

Colleges and universities are appropriately accountable to more stakeholders than any other American business enterprise I can imagine. Their stakeholders include the students who attend, the parents who pay the bills; the alumni who remain tied to and support their institutions; the faculty and staff who operate and are paid by the institutions; the employers who hire the students; the governments that subsidize and regulate the institutions and gain extensive research knowledge from them; the communities in which the institutions are situated; and the general public who contribute taxes and reap the benefits of an educated citizenry.

If colleges and universities struggle with ways to show they are being appropriately accountable, it is largely because of the tremendous amount and diversity of information which they must, should — and do — produce to the satisfaction of these various stakeholders.

The perfect ranking system? Colleges and universities do not make cars. They do not stamp out widgets. They graduate human beings who, at the end of four years, cannot be rubber-stamped, "quality-tested and approved."

College and universities graduate people who come to them already molded. A large measure of individual effort is involved in learning. The institution itself is only one factor, albeit a critical and important one, in the lives of the students attending the institution. This does not absolve the institution of the responsibility of educating and supporting these individuals to the very best of their abilities; however, it does mean that an institution cannot give a student one test at the end of four years and declare them forevermore failures or successes in life.

Moreover, there are many views of success. Carey wants to judge institutions by a narrow workforce standard: how quickly their students find jobs, get promoted, and how much they earn. American society is not comprised solely of investment bankers, doctors, lawyers, and other high-earning professionals. The artists, teachers, social workers, small-business owners, homemakers, and many other lower-earning individuals among us bring a richness and quality to our society, and enjoy fulfillments in their lives that are simply unquantifiable. While colleges and universities should unquestionably work toward preparing individuals who are work-ready and attractive to employers,

> "Colleges and universities do not make cars. They do not stamp out widgets. They graduate human beings who cannot be rubber-stamped, "quality-tested and approved."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

it is outrageous to deem students unsuccessful if they graduate and choose other paths in life than those careers with high-octane financial rewards. These are the complicated realities that make a simple one-size-fits-all, or one-test-fits-all, notion of accountability unworkable.

Unfortunately, in today's world, it is easier to take the cynical view that an institution is looking out after its own interests rather than taking a principled stance on behalf of its students. However, the truth of the matter is that private colleges do want to protect the privacy of their students. Even if federally collected student data were ascertained to be the most secure on the planet (doubtful in this day and age of almost daily large-scale security breaches of federally held individual data), the private colleges would still be against collection of individual student information based on the principle that we do not believe the price of enrolling in college should be permanent cradle-to-grave entry into a federal registry. A centralized national database tracking college students, their academic progress, financial aid information, enrollment, and performance in their careers runs profoundly counter to the democratic underpinnings of higher education and American society.

Private colleges are for answering important policy questions and improving information about their institutions through the collection of voluntarily submitted (by students) sample data, which statistical theory tells us can be used to make inferences about the population. That's what federal law requires; let's not violate it to satisfy an appetite for data for data's sake.

David L. Warren
President, National Association of Independent Colleges and Universities

Making the grades

It is amusing to see what happens when an organization other than *U.S. News & World Report* tries to rank U.S. institutions of higher education (*The Washington Monthly* College Guide, September). It seems to me that the product you are turning out would improve in quality if you took more care evaluating the data you use, especially the data on research.

Standards for reporting research funding vary from institution to institution. They do not all do it the same way. For example, Johns Hopkins always comes out at the head of the class with respect to research funding, which at first glance seems mysterious since it is a rather small university. Then you learn that Johns Hopkins runs the Hubble Space Telescope for NASA. Does Johns Hopkins count as "research funding" the money it receives from NASA for running the facility that operates the telescope? I suspect that it does, but you need to find out before deciding how you are going to use the number you got for Johns Hopkins for ranking purposes.

Also, it is unclear to me that every university includes its medical school when reporting research funding, which is critical. The National Institutes of Health is the biggest single source of research funding in the country, and a lot of NIH money goes to medical schools, for obvious reasons. Neither Princeton nor Caltech have medical schools. Should both institutions be "penalized" for this in your rankings? Does it really affect the quality of the job they do for their students?

The scores you give institutions based on total research funding and number of Ph.D.s awarded also take no account of differences in institutional size. U.C. Berkeley is massively larger than Caltech, for example. Of course it raises more research dollars and produces more Ph.D.s every year. If you were to base your rankings on research dollars per faculty member and Ph.D.s per faculty member, you would discover that Mississippi State University is not superior to Caltech, contrary to your list. Everyone on the planet knows this without having to look it up. All you would have to do to verify this assertion is poll the faculties of the two institutions to find out what fraction of the faculty now at one of them would seriously consider a job proffered by the other.

Good luck with your rankings. I think it is great that someone is trying to evaluate institutions on the basis of what they contribute to the life of the country.

Peter B. Moore
Sterling Professor of Chemistry
Yale University
New Haven, Conn.

Both my husband and I have postdoctoral education. We have been dismayed by the *U.S. News & World Report* rankings that seemingly contradict what students, parents, and professionals in the community know about their highly rated institutions. The list always stays the same, with few public and Catholic institutions represented at higher levels, for example. Your criteria seem more realistic and consider the upward strivings of working-class students and the expense of higher education. We're pleased to note that there is an alternative method of scoring that takes more variables into the equation.

Dr. Nora Dougherty
Via email

Inasmuch as I loved the fact that Cornell, my alma mater, scored so high (#8), and my son graduated from Kent State (#53), I question how Ohio State can rank higher than Harvard. Really, now. I know who goes to Ohio State and who goes to Harvard and have been in classes with the kind of people who go to Ohio State and I can tell you that the difference is not just in the income or the number of people who graduate, but in the quality of dialogue and preparation for classes, as well as the books they read and discuss and even write 25 years later.

Susan Neiburg Terkel
Cornell Class of 1970

I just read your superb article on the rankings of national universities. I agree with your methodology. I am a graduate student at the University of Washington

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in the School of Social Work, and just completed two years of service through AmeriCorps. I tutored dozens of children in reading, writing, and sometimes math. Most of the kids were children of color like myself.

Thanks for emphasizing national service in your rankings. I feel that serving our communities and nation through volunteerism is very important.

RAYMOND LAU
Via email

Two of the components in your research score—total research dollars and number of Ph.D.s granted in the sciences—are likely to be correlated with the size of the university. In contrast, your other measures are percentages. This creates an odd imbalance in the measures. I strongly recommend that you either normalize these two components of the research score to avoid this size effect, or alternatively count total Pell Grants, etc., rather than percentages.

Also, I think it is misleading and inappropriate for your article to question whether federal research dollars sent to Princeton are well spent, based upon your data. If Princeton does not have strong social programs, that does not mean their research is weak. Moreover, since total research spending is one of your measures of research contribution, your argument amounts, in part, to a statement that a school with little research funding (hence a low research score) probably deserves less funding, which is just silly. More generally, I find it highly unlikely that researchers at Princeton are markedly less productive than those elsewhere; your suggestion to this effect only makes me suspect your analysis.

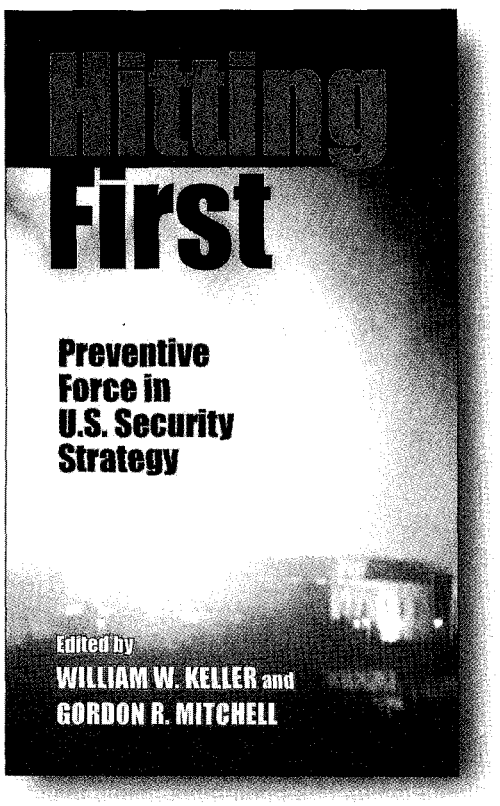
Interesting article, but I think you should clean up your statistics and your logic.

MICHAEL K. GILSON, M.D., PH.D.
Professor and CARB Fellow
Center for Advanced Research in Biotechnology, University of Maryland Biotechnology Institute

As a parent of a college student, I have felt that all the other college rankings really rank the entering students and not the institution itself.

Imagine a restaurant claiming to be the best restaurant simply because they buy and use the best ingredients but not ever having to actually prepare a meal.

SEAN CONLEY
Via email



368 pp. • Paper • $27.95 • ISBN 0-8229-5936-4
Cloth • $65.00 • ISBN 0-8229-4290-9

"**Hitting First** breaks new ground in exposing political and semantic manipulations on the road to war in Iraq, the dumbing-down of threat 'imminence,' the covering up of internal dissent, skill in pulling certitude from uncertainty, and success in controlling the public case for war. Iran's new prominence as a possible target for American-Israeli first strikes makes all this particularly prescient and timely."

—*Thomas L. Hughes, former Assistant Secretary of State for Intelligence and Research*

UNIVERSITY OF PITTSBURGH PRESS
Available in bookstores 800.621.2736 www.upress.pitt.edu

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

> It's hard to believe that anyone could have failed to notice throughout his long presidency that FDR was never photographed walking—or even standing—unaided.

Mr. fix-it

Where were all these Iraq Study Group "experts" in the period leading up to the invasion ("A Higher Power," by Robert Dreyfuss, September)? Given their expertise, could they not have warned the administration of its folly in focusing on Iraq as the linchpin of its Middle East policy? The fact that there are no neoconservative heavyweights in the Iraq Study Group is irrelevant, since they have already defined the parameters and co-opted the choices that future policymakers must wrestle with.

SCHEHERAZADE AL-ABED
Greenwich, Conn.

I was executive secretary/director of a federal advisory board at the National Institutes of Health. All federally-authorized and constituted advisory boards/committees/task forces/study groups have to abide by the openness in government policy. There was outrage when Hillary Clinton held "secret" meetings of her health task force in the early 1990s. She said that "only government employees" are members of the task force. She was wrong.

Why not have this government-appointed study group follow government rules and policies?

CORALIE FARLEE, PH.D.
Washington, D.C.

Common knowledge

Charlie Peters is almost always right and informative, but I think he's dead wrong on this one ("Tilting at Windmills," September). I followed government as closely as any other 20-year-old (in the Army in Germany at the time) but I was stunned by the pictures of FDR addressing Congress from a wheelchair on his return from Yalta, and so was everyone I knew, and despite the mandate of *de mortuis nil nisi bonum*, I must say I never looked to Betty Beale as an authority on what her countrymen thought—particularly of FDR.

FRANK MANKIEWICZ
Via email

Charles Peters responds:

I've received a number of letters like that of Frank Mankiewicz, but many more that agree with me that most people knew that Roosevelt could not walk unaided. It's hard to believe that anyone could have failed to notice throughout his long presidency that FDR was never photographed walking—or even standing—unaided, usually on the arm of an aide, or holding onto a podium or railing. And tens of thousands of photographs were taken.

While the photographers did not take pictures of FDR in his wheelchair, the print press did refer to it. On January 6, 1941, Time *reported to its million readers, "The president came in five minutes before the broadcast on a small rubber-tired wheelchair." A previous issue of* Time*—August 6, 1940—had described how a special ramp was carried on the presidential train and attached to the president's car so that he could board. The article had also mentioned that the citizens of Hyde Park had watched him use the ramp. So had the people of Warm Springs, Georgia and, indeed, of the hundreds of places Roosevelt visited during his presidency. Thousands of people also witnessed his laborious and painful attempts to walk, including 20,000 at the Democratic National Convention of 1924. Roosevelt drove a Ford that newspapers told us was specially equipped with hand controls.*

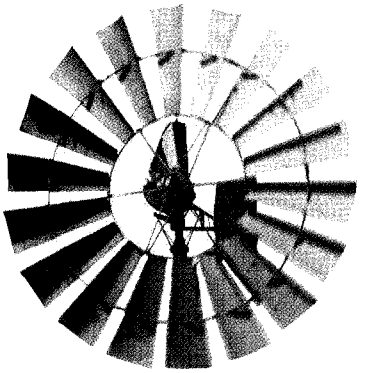
Furthermore, in the 1930s, polio was known as "infantile paralysis." This was before the breakthroughs of Salk and Sabin, so most people knew one or more victims of the disease, and there was no mystery. Paralysis meant paralysis. FDR's birthday was an occasion for holding dances throughout the country which were sponsored by the polio charity the March of Dimes, which he chaired, and which used slogans such as "Dance so they can walk."

In 1937, my father took me to the White House to a reception for presidential electors, of whom he was one. As we approached the head of the receiving line, we saw Mrs. Roosevelt and Jim Farley, but not the president. When we asked about him, we were told by the people ahead of us in line that he'd been there but had been taken away in his wheelchair. This was not a small, exclusive party. It was attended by five hundred other presidential electors plus their spouses and children.

John Meacham, in Franklin and Winston, *quotes an article that Churchill wrote in 1934 and later included in his book* Great Contemporaries: *"His lower limbs refused their offices. Crutches or assistance were needed for the smallest movement from place to place. In ninety-nine men out of a hundred, such an affliction would have terminated all forms of public activity except those of the mind. He refused to accept this sentence."*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Tilting at Windmills



By Charles Peters

Determined to fail

Did you know that for 18 months after we defeated the Taliban in December, 2001, the "United States-led coalition deployed no peacekeepers outside Kabul," according to David Rohde of *The New York Times*, "leaving the security of provinces like Helmand to local Afghans?" Rohde quotes Richard Haas, the former director of policy planning at the State Department, as saying, "That was the mistake which I believe is coming back to haunt the United States now."

Why was this mistake made? Because of George W. Bush's Ahab-like obsession with invading Iraq. That caused troops needed to complete the job in Afghanistan—a mission for which we had the world's support—to be diverted to carry out the invasion of Iraq—for which we have earned the world's disdain.

It takes a village to elect a senator

Sen. Hillary Clinton did not win the warm regard of her fellow Democratic senators when she contributed one million dollars of her $30-million-plus campaign fund to help other senators get elected this fall. It wasn't that they didn't appreciate the million. It was the contrast between it and the $2.5 million that her colleague from New York, Sen. Charles Schumer, gave from his fund of only $15-million-plus.

The great contracting scandal

I

A little-known truth about Washington has become more evident through recent news about three seemingly unrelated subjects: Iraq, Katrina, and the nation's richest counties.

Let's start with the last first. America's three richest counties are all in Washington's suburbs. *The Wall Street Journal* offers a two-word explanation for this phenomenon: government contractors. They have become wealthy courtesy of the United States taxpayer, and these counties are where they live.

As for how they became wealthy, two words again go a long way towards telling the story: Iraq and Katrina. Enormous sums have been appropriated by Congress for reconstruction in Iraq and Louisiana and Mississippi. Yet one report after another has described how little evidence there is on the ground that this money has accomplished its mission. Where, then, is the money? You guessed it. A very considerable portion of it is lining the pockets of those contractors.

Clever contractors have learned to promise anything to get a government contract. They know that government contracting officers are under pressure from their top administrators and from the White House and Congress to at least create the appearance of action. This is exactly what signing a contract does.

The contracting officers are relatively easy marks. After all, they are paid an average of only $57,000 a year. But their bosses, the congressmen and the White House, are also too easy to satisfy, because they are so eager for the appearance of activity. And all too often reporters are gulled into thinking that appropriations and contracts are in themselves action and fail to follow up to see if what's supposed to get done actually gets done.

Contracting out also satisfies conservative ideologues who do not want to face the fact that adding functions to government may require additional employees. If the work is done under contract, the people who do it are employees of the contractors, not of the government. Thus the IRS is now hiring outside collection agencies to collect back taxes. This despite the fact that the IRS knows that adding employees of its own would do the job for considerably less—three cents a dollar collected, compared to 22 to 24 cents for the contractors—according to David Cay Johnston of *The New York Times*.

> "If you've ever worked in a law firm, as I have, you know that the temptation to pad bills by inflating estimates of time worked is hard to resist."

II

The Clinton administration went in for a bit of this sort of thing. Boasting as they did of downsizing the government, they were not averse to using contracts to hide additional personnel. But the Clintonites were pikers compared to the Bush administration, under which contracting out has exploded, not just to repair damage by Katrina and the war in Iraq but also in a giant new field of government spending: homeland security.

The latest example of using contracts for homeland security is to build a "virtu-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

al fence" along our borders. And here it is interesting to see where the administration is looking for help. The headline over an article by Eric Lipton of *The New York Times* tells the story: "Seeking to Control Borders, Bush Turns to Big Military Contractors."

Lipton identifies these contractors as Lockheed Martin, Raytheon, and Northrup Grumman. This illustrates the tendency of government officials to deal with familiar faces. They seem to feel that well-known names endow the contracting transactions with an air of respectability—even though the contractor may be, like Halliburton, known for its ability to separate large sums from taxpayers in the form of overbilling for services rendered.

III

The main justification for contracts is that the contractor can do something the government can't. Sometimes this means supplying personnel with skills and talent not readily available in the agency doing the contracting. But what are we to make of this recent headline from *The New York Times*: "Former Antiterror Officials Find Industry Pays Better?"

The reporter—again Eric Lipton—reveals that at least 90 former officials of the Department of Homeland Security now work for the agency's contractors. They include former secretary Tom Ridge, former deputy secretary James Loy, and three former undersecretaries. If the government merely gets employees from the contracting agencies to do the work, what does the government gain? Indeed, it seems to lose. Now it's paying the same people higher salaries.

IV

Back to the fellows in the rich Washington suburbs. How do they get the money that has yet to reach New Orleans? Once the contract is signed, money is available to pay the salaries of the contractor's employees, but that does not mean anything is happening in New Orleans. The contract may subcontract the work or parts of it to subcontractors, who may in turn subcontract their share to other subcontractors. Creating this chain may mean a long time will elapse before some hapless Mexicans actually begin clearing the site.

All this does not mean that all government contractors are bad. Some actually do a better job for less money than the government could do. But congressional overseers and reporters should learn to make sure that that really is the case and that the contract is not like the one that the IRS is signing for back-tax collection.

Killing us sleepily

Since I was misdiagnosed by a sleepy intern 45 years ago, I have taken a keen interest in reducing the number of hours worked by those poor souls. After years of effort by this columnist and many others, hospitals responded by imposing an 80-hour-per-week limit. This still seems way too long to me. And now we learn from the Sept. 6 issue of the *Journal of the American Medical Association* that 43 percent of interns and first-year residents say they're working more than 80 hours a week. Two-thirds said they had exceeded 30 consecutive hours on duty.

Does their fatigue cost patients? Forty-four percent of the residents of the Mayo clinic admit to making at least one major error.

You're so billable to me

If you've ever worked in a law firm, as I have, you know that the temptation to pad bills by inflating estimates of time worked is hard to resist. After all, the lawyer knows his success depends on his total number of billable hours. And it is hard for a client to know whether the lawyer's estimate is accurate or not. Sometimes, even lawyers who are meticulously honest have their hours inflated by senior partners who can benefit from overbilling.

A recent example is provided by Matthew Farmer of the Chicago firm of Holland & Knight, LLP. He accused the firm's billing partner of having inflated the bill to his client, Pinnacle Corp., for which he had won a major case. When the firm failed to act on his accusation, he resigned and left for another firm, even though it meant taking a reduction in pay.

A law professor named William Ross has conducted a study of overbilling. He tells *The Wall Street Journal's* Nathan Koppel that two-thirds of the attorneys he surveyed reported knowledge of bill padding. How's a client to know, he asked, "whether an attorney spent three hours doing research instead of five hours?"

Golf course seduction

Foxes guarding chicken coops have been characteristic of regulatory agencies under the Bush administration. But what are we to make of the Democratic governor of West Virginia, Joe Manchin, who has just appointed Ronald L. Wooten, a lawyer and lobbyist from Consol Energy, a leading West Virginia mine-owner, to direct the state's Office of Miners' Health, Safety, and Training? Wooten has been a lobbyist not only for Consol but also for an industry group called the American Mining Congress and he admits to *The Charleston Gazette's* Ken Ward that he has helped big law firms defend coal companies from wrongful-death and injury cases filed by miners and their families.

Ironically, Gov. Manchin had Davitt McAteer, a respected advocate for mine safety, head the commission that investigated the Sago disaster. Although the two appointments seem wildly inconsistent, I think I understand what's going on.

I've seen one Democratic governor of West Virginia after another torn, on the one hand, between his loyalty to the coal miners who helped elect him and, on the other hand, to the mine owners and their lawyers and lobbyists, with whom he dines and plays golf in the capital city. The social seduction doesn't always work, but it does so far

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

too often for the good of the miners.

Senior surgeons

In another medical article, Carla K. Johnson of Associated Press points out that we require "airline pilots to step down at age 60, but there is no mandatory retirement age for surgeons, who like pilots hold life in their hands."

Johnson cites a study published in the September *Annals of Surgery* to justify her concern. It found, she reports, "that for three complicated surgeries, including heart bypass, doctors older than 60 had higher patient death rates."

This, the study found, was especially true if the doctors didn't operate frequently. So, if your doctor's a senior citizen, be sure to find out how many surgeries he does each year.

And a caution for hospitals: The recertification exams that surgeons must take every ten years are written and do not evaluate physical skills. The only way a hospital can find out is by monitoring error rates and by creating a climate that encourages other operating personnel to speak up when a physician is showing signs of decline. When Johnson asked an aging surgeon how he would know when to retire, he said, "I'm counting on the fact that, if I don't recognize it, somebody will tell me."

Uncle Sam: Generous boss

One of my more conspicuously unsuccessful campaigns over the past few decades has been to convince talented people outside of government that the pay for civil servants isn't all that bad, especially when benefits are considered. The problem has been that comparisons of federal and private sector pay have usually omitted these benefits. Now comes a survey by the Commerce Department's Bureau of Economic Analysis showing that with these benefits included the average federal employee is now making $106,000 a year, compared to only $53,000 in the private sector.

Since the early 1960s, federal workers have been receiving annual cost-of-living increases that are not typical of the private sector. Federal workers also receive frequent step or "merit" increases that are practically automatic as they are paid to 99 percent of those eligible. And while benefits in the private sector have been shrinking, the feds' have gotten even better. They now include inflation-indexed pensions, health insurance during work and retirement, additional retirement savings plans with generous contributions by the government, and 26 days of annual leave. That's five weeks and one day off, whereas for the private worker it's usually two weeks.

Furthermore, government jobs offer unusual security. The rate of layoffs and firing in the government is just one fourth that of the private sector. And the resignation rate indicates that most federal workers appreciate the deal they've got. It is also just one-fourth that of the private sector.

Of course, some government jobs are underpaid. An example is the contracting officer mentioned above. But, as a rule, the compensation is attractive enough that many more smart people should consider going into government. And those government employees who annually moan about the "pay gap" should abandon their self-pity.

More harm than good

What worries me about the Middle East is the explosive mixture of overly aggressive behavior by the United States and Israel, combined with reckless provocations by the Islamic extremists. Just when we were reading that Hamas and the PLO seemed to be getting together to recognize Israel's right to exist, hopes were dashed by the capture of Israeli soldiers on the Gaza and Lebanon borders. These actions, which, one has to suspect, were inspired by mischief-making Iranians, led Israel, supported by the United States, into a bull-in-a-china-shop overreaction, complete with indefensible cluster bombs. One has to wonder how much of Lebanon, the West Bank, and Gaza Israel has already demolished with its bombs and bulldozers, creating a new generation of haters of the West.

> "Since I was misdiagnosed by a sleepy intern 45 years ago, I have taken a keen interest in reducing the number of hours worked by those poor souls."

Outsource this

By the way, not just the federal government, but state and local governments also provide more generous compensation than the private sector. An average hour's worth of work in state and local government pays $24.17, plus $11.29 in benefits, compared to $17.21 and $7.03 in private employment.

These institutions also provide greater job security than the private sector. Sometimes, however, the security seems excessive. Consider the case of the operator of Washington's Red Line subway train, who was fired after he forgot to fix the brakes on his train and apparently fell asleep, allowing the train to roll backwards and hit another train. His union protested, bringing about hearings that resulted in the subway system being ordered to rehire him.

Plane scary

How secure is air travel today?

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Audrey Hudson of *The Washington Times* provides a couple of revealing statistics. One is that there are fewer than 2,500 air marshals, and there are only 6,000 pilots who have been trained to carry guns. But there are 25,000 to 30,000 flights a day. This means that there are anywhere from 16,500 to 21,500 flights a day that are not protected in the air. If a terrorist takes over the plane, the only option will be for a military jet to shoot it down.

How secure are those new cockpit doors that are supposed to keep terrorists from taking over the plane? "In one instance," reports Hudson, "a passenger watched a crew member input the door code and later used that code to open the door," thinking it was a lavatory. In another instance, on a bet, a cleanup crew drove a beverage cart through the door.

More hopeful news comes from recent cases of apparent terrorist threats aboard a plane, when the passengers themselves have taken action in a way that should alert potential terrorists that their fate might be the same as that of their colleagues aboard Flight 93.

Sedimental journey

You may have seen that an executive of BP, formerly known as British Petroleum, took the Fifth Amendment on Capitol Hill recently. But did you know the facts behind his refusal to testify? His name is Richard Woollam, and he was head of BP's corrosion control program for Alaska in 2002. When the company received a report that said that the accumulated sediment in the pipeline might be corroding it, he reduced the inspection personnel responsible for monitoring the pipeline by 25 percent. On Aug. 6th of this year, as we know, BP shut down the pipeline because of corrosion. Now you understand Woollam's reluctance to talk.

Stock up in December

Did you know that hot fuel was costing you money last summer? Actually, I had never even heard of hot fuel until I saw an article by Steve Everly of McClatchy newspapers explaining the phenomenon. It seems that gasoline is supposed to be sold at a temperature of 60 degrees, but the standard is not enforced. And, writes Everly, every degree over the 60-degree standard diminishes the energy in a gallon of gas, because the gas expands as it is heated. Fuel pumps could adjust for temperature change, but gasoline companies are naturally not eager to make the adjustment, because the more the customer has to pay, the more they make.

Government regulation seems like the obvious answer. And the case for it is made, unconsciously I'm sure, by Anne Peebles of Shell Oil, who, in the course of arguing that Shell can't do anything about the problem, tells Everly, "Temperature correction is not something one company can do. It would have to be [a] regulatory requirement that puts all facilities on the same page."

The Wal-Mart effect

With Wal-Mart, the question is, does the good outweigh the bad? The good is low prices that help low-income customers, fight inflation, and have caused the company to grow to the point that it gives jobs to over one million Americans.

The bad is that it pays low wages with lousy benefits, destroys downtowns by forcing mom-and-pop businesses to close, and creates unemployment by pushing its suppliers so hard to lower prices that it drives them into bankruptcy. I hope you saw the excellent article by Barry C. Lynn in *Harpers* that shows that four of Wal-Mart's top 10 suppliers have been forced into bankruptcy. This is not to mention the hideous wages and poor working conditions that Wal-Mart has forced on its overseas suppliers, many of whose employees look suspiciously as if they belong in primary school. To me, all that adds up to more bad than good.

Life, liberty, and whatever whatshisname said

One of our least honored founding fathers is George Mason. A new biography by Jeff Broadwater reminds us that, in May of 1776, Mason was the author of the Virginia Declaration of Rights, which begins: "All men are born equally free and independent and have certain inherent natural Rights. ...among which are the enjoyment of Life, Liberty...and pursuing and obtaining happiness and safety." Two months later, Jefferson, who was aware of the Virginia declaration, sat down to write the Declaration of Independence. He was a better writer, to be sure, but the ideas were Mason's.

Gold diggers

"Nearly Half of Women Fear Life as a Bag Lady" was the headline over a recent article by Jennifer Harper in *The Washington Times*. The article cites a survey of 1,925 women by a large insurance company, to which 46 percent of respondents said they feared becoming bag ladies. Incredibly, for women with incomes of more than $100,000 a year, the figure was not lower but a slightly higher 48 percent.

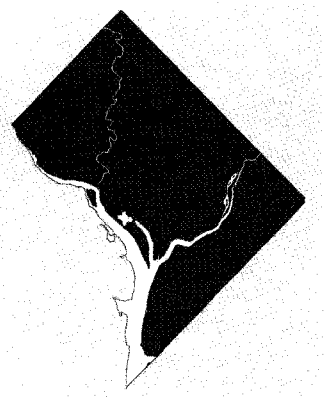
This accords with my own experience. Women have always seemed to me to be more concerned with financial security than men. In those romantic novels so many of them love to read, the heroes are usually not only hunks, but rich, or clearly on their way to being rich.

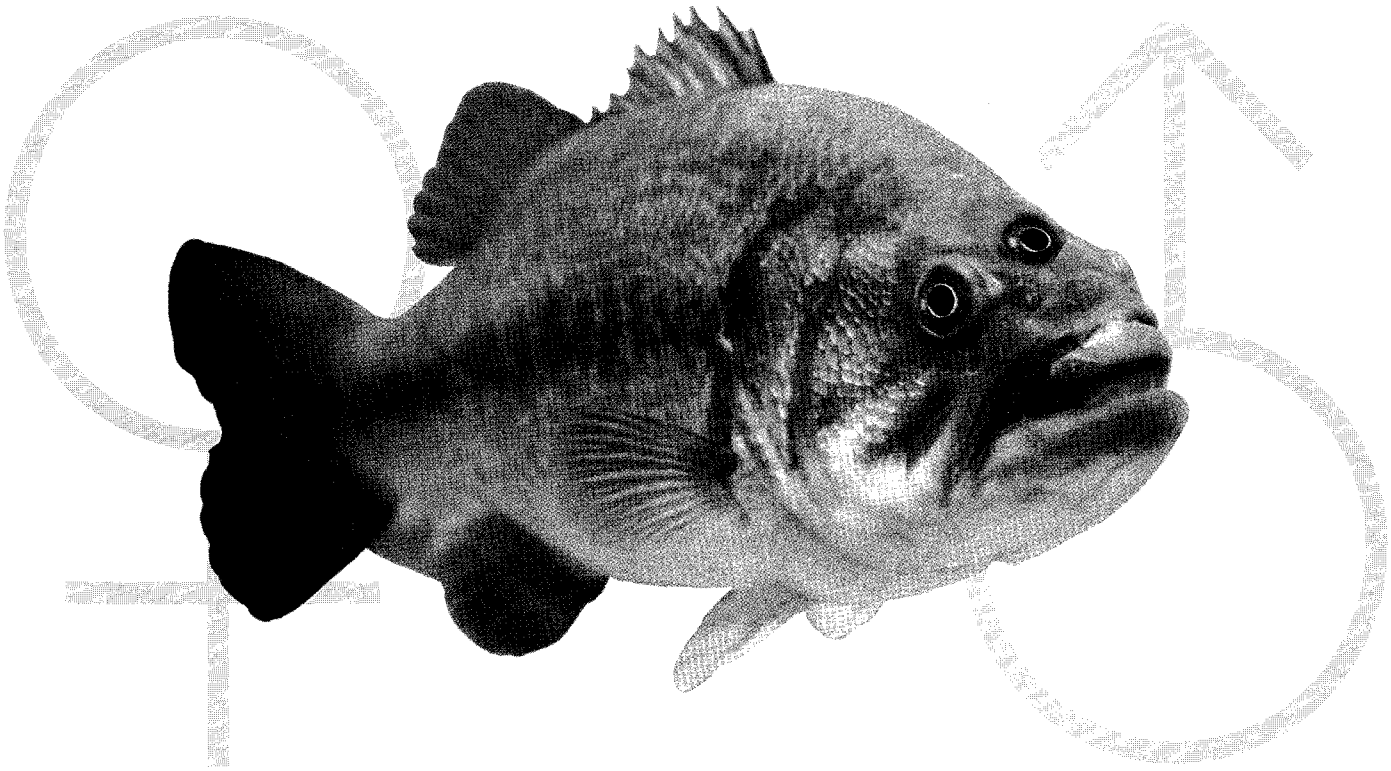
That's why I was delighted to learn about one exception from an article about Nora Roberts in *The New York Times*. She is a romance novelist who herself married a carpenter and whose hero is usually a man of modest means. Her woman, writes Ginia Bellafante of the *Times*, "might be a schoolteacher and [her] man might drive a cab." ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Ten Miles Square

"...such district (not exceeding ten miles square)...[shall] become the seat of the government of the United States." – THE CONSTITUTION OF THE UNITED STATES





"Abnormally developed fish, possessing both male and female characteristics, have been discovered in the Potomac River…raising alarms that the river is tainted by pollution that drives hormone systems haywire. The fish, smallmouth and largemouth bass, are naturally males but for some reason are developing immature eggs inside their sex organs… [Representatives] at area utilities said there was no evidence that tap water taken from the Potomac was unsafe to drink." – The Washington Post, *September 6, 2006*

POTOMAC SPRINGS CORPORATION

Potomac River Plaza
Washington, D.C.

11-13-2006

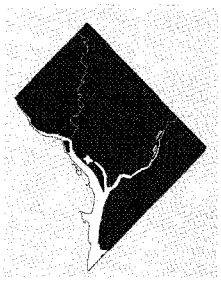
Dear Mr. Tropboire,

We are in receipt of your letter of Nov. 9 in which you complain of symptoms that you connect to water processed at our utility company. While we understand your surprise at having developed a large pair of breasts with fully functioning mammary glands, we can assure you our researchers have found no conclusive link between your symptoms and consumption of Potomac River water, a beverage of the highest caliber.

In addition, yes, we have read reports of intersexed fish but must say we find bass to be among the least credible species of the fish group. We see no profit in entertaining their case.

We understand that your wife has had complaints as well, especially over the unwelcome forest of chest hair, but let us assure you: God could not have designed a body of water more richly suited for drinking than that of the Potomac. We

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



feel that sometimes the best palliative for any ailment is to have a tall glass of its cool, restorative freshness.

Best wishes,
Potomac Springs Corporation

POTOMAC SPRINGS CORPORATION

Potomac River Plaza
Washington, D.C.

2-14-2007

Dear Mr. Tropboire,
Congratulations. We're delighted to hear you're expecting, and we see no reason for concern. Think of seahorses. We'd ask if the baby-to-be is a boy or girl, but labels are confining.

You write that you feel lingering doubts over water quality in the Potomac River, and your feelings are completely understandable. The world can be confusing. So many of us develop the odd breast or ovum, and it's natural that we go looking for answers. But you won't find them in the Potomac, which, truly, is heaven's gift to water drinkers. With its proximity to the nation's capital, its heady bouquet, and its rich amber color, this is river water for the true river-water connoisseur.

As for your wife's prostate, if it causes her no discomfort, we recommend leaving it alone.

Best wishes,
Potomac Springs Corporation

POTOMAC SPRINGS CORPORATION

Potomac River Plaza
Washington, D.C.

12-21-2007

Dear Mr. Tropboire,
Thank you for your letter. Congratulations on the successful delivery of your baby human, and we're delighted that you have chosen to breast feed. Every bump has a silver lining, as we like to say at Potomac Springs Filtering.

We did not see the need for your intemperate language, though, and feel that the "Three-Mile Island toilet" epithet was especially hurtful, given the pride we take in our product. Yes, we know about the recent extinction of Potomac bass. Frankly, we view it as an act of suicide in an asymmetrical war waged against us.

On that note, we hope you'll sample our new line of Potomac River ice, beautiful in its luminescence and indispensable in a power outage. Whether you're a man, woman, or Washingtonian, you'll be sure to enjoy the thirst-quenching, flavorful properties of the best the Potomac has to send downriver.

Best wishes,
Potomac Springs Corporation

- By T.A. Frank

THE WASHINGTON MONTHLY'S **MONTHLY JOURNALISM AWARD**

Matt Lauer, NBC News
"Today"
September 11, 2006

David Gregory, NBC News
White House press conference
September 15, 2006

This month, *The Washington Monthly* breaks with tradition by honoring two television journalists, Matt Lauer and David Gregory, both of NBC News. Presidential interviews are always tricky. When they cover a topic like U.S. policy on interrogation of detainees—and when the interviewee is as averse to being challenged as President Bush—they are that much more so. Lauer, in an exclusive one-on-one Oval Office interview, and Gregory, at a presidential press conference, both performed admirably, doggedly grilling President Bush, then aggressively following up on the president's evasions. As Congress prepares to legalize torture, the performance of many in the press, led by Lauer and Gregory, has been a rare cause for comfort.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Politics 101

The meaning of the midterms.

By Paul Glastris

Off-year elections are murky affairs. Most Americans don't pay attention to them. Even fewer vote in them. And their political significance must be discerned, oracle-like, from the results of hundreds of House and Senate races, most of which turn as much on local as national issues.

Still, once the returns are in, a roughly accurate consensus usually forms about the meaning of a particular midterm. In 1994, the GOP took control of both houses of Congress for the first time in over 40 years. That rout was widely seen as a rejection of sclerotic and uninspired Democratic congressional rule, a rebuke of the shaky first two years of Bill Clinton's presidency, and a sign that a growing portion of the electorate was open to conservative ideas. In 1998, the Senate held steady and the Democrats picked up five House seats. That result—the first time since 1822 that the party not in control of the White House had failed to gain seats in the mid-term election of a president's second term—was understood as a protest against impeachment inquiries then underway against a by-then-popular Clinton. In 2002, the Democrats lost their paper-thin Senate majority along with seven House seats. In that case, too, the message was clear: The public wasn't impressed with tremulous Democrats who, 14 months after 9/11, only wanted to talk about prescription drugs.

While midterms offer important lessons, politicians don't always learn them. After 1994, Bill Clinton got it right: He retooled his staff, reembraced New Democratic ideas like welfare reform, and won big in 1996. After the 1998 midterms, by contrast, GOP House leaders ignored the message voters were sending and impeached the president anyway, a move now widely seen, even by many conservatives, as a mistake. And after 2002, Democrats waited another year—for Iraq to descend into chaos and for presidential candidate Howard Dean to show them how to fight—before challenging the GOP on national-security grounds.

This year's midterms are at least as crucial as the last three, and already it is possible to predict how their results will be read, and misread. In a nutshell, if Democrats win, both parties will likely learn the right lessons. But if Republicans win, both parties are liable to take away the wrong lessons.

"Had Enough?"

Consider the former possibility: that Democrats take the House, and possibly the Senate. Many conservatives are already so openly disgusted with the behavior of House Republicans—the spending, the corruption, the failure to stand up to the White House on civil liberties and separation of powers—that it will be hard for any Republican leader to credibly argue that a midterm loss is anything but a rebuke for that same behavior.

Democrats, meanwhile, are unlikely to read too much significance into their win. After three straight election losses and endless rounds of self-flagellation, few Democratic leaders are under the illusion that they have a master plan for political success or the ideological key to voters' hearts. Should they take back one or both houses, Democrats will feel not so much triumphant as relieved to finally be back in the game.

Now consider the other possibility: that the GOP manages to hold on to its majorities in the House and Senate. In that case, Republicans, led by the president, will want to claim even the thinnest victory as public validation of everything they've been doing over the past six years. One glance at the opinion polls—on the economy, Iraq, you name it—is enough to show that this isn't true. But you can safely bet a month's pay that this is precisely what GOP leaders will do.

And if they do, they will be repeating the mistake Bush made two years ago. After narrowly winning reelection in 2004, the president claimed he had faced his "accountability moment," and not only didn't need to change course but could now spend his "political capital" on such radical endeavors as privatizing Social Security. A year later, Bush's approval ratings were in the 30s and vulnerable GOP candidates were avoiding his presence.

Democrats, too, are liable to miss the real lesson of a failure to win at least one house. Egged on by their "friends" in the mainstream media, Democrats may come to believe that their mistake was one of message: They didn't offer up enough bold ideas, an alternative vision to contrast with the Republicans'.

It's true that Democrats have a message problem in the most profound sense: They don't quite know, and certainly can't get across to voters, what they stand for or where they'd

---

Paul Glastris is editor in chief of *The Washington Monthly*.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

take the country. But that's a problem that needs to be hashed out during presidential elections. It's much harder to do in off-year elections, and less important, too.

Midterms tend to be referendums on the party in power. If that's the case this November, Republicans will almost certainly lose. Indeed, if Democrats were running on big, bold, visionary ideas this year, they'd be playing right into the hands of their opponents, who would like nothing better than to shift attention away from their own sorry record by making the election a contrast between the two parties' positions on the issues.

"I've never seen a positive message win a midterm," observes veteran political analyst Charlie Cook. Newt Gingrich's "Contract with America" may seem like an exception. But as Cook notes, a poll in late October 1994 showed that 70 percent of voters hadn't even heard of the contract, which, we forget, was mainly a collection of dull procedural reforms ("limit the terms of all committee chairs ... ban the casting of proxy votes in committee") meant to reinforce Gingrich's larger negative strategy of highlighting "corrupt" Democratic rule. This year, the former speaker has wisely counseled the Democrats to do likewise: make the election a referendum on corrupt and incompetent Republican rule by adopting the slogan "Had Enough?"

Street Fighting

If the Democrats lose the midterms, it will not really be because of what their candidates said or didn't say on the stump. It will be because of what their campaign organizations did or did not do behind the scenes. For years, Democrats have let their political machinery atrophy, while Republicans built theirs up. The result is that Democrats today simply aren't as good as Republicans at the basic blocking and tackling of electoral politics.

The very field on which Democrats must compete this year is tilted against them as a result of superior GOP political organizing. In the 1980s, Republicans put in place a long-term strategy to redraw congressional lines to their advantage by winning statehouses and investing heavily in technology and legal expertise. That strategy bore fruit, not just in Texas—which in 2004, at Tom DeLay's behest, used a mid-decade redistricting to gain 5 House seats—but also in Florida, Michigan, and other states. Were it not for those gains, Democrats would need only a few seats, not 15, in order to retake the House this year.

Midterms, being low-turnout elections, tend to be won or lost on the ground, by whichever party gets more of its base voters to the polls. Democrats long excelled at this GOTV ("get out the vote") game, but in the last two election cycles, the Republicans have outperformed the Democrats through mastery of the new technology of "microtargeting." Rather than merely relying on voter lists to identify known supporters in electoral strongholds (the traditional Democratic GOTV method), microtargeting allows a party to find likely supporters anywhere in a district or state. It does so by mining consumer databases with the help of algorithms that match peoples' lifestyle habits with their likely political leanings (fishermen are more Democratic than hunters, college-football watchers are more Republican than pro-football fans), then sending targeted messages that push their likely hot buttons (say, a piece of direct mail about illegal immigration to an out-of-work union carpenter).

Democratic Party officials claim to be catching up to the GOP in microtargeting. But in reality, intra-party Democratic feuding, plus continued GOP advances, mean that Democrats may now be further behind the Republicans in this crucial field than they were two years ago.

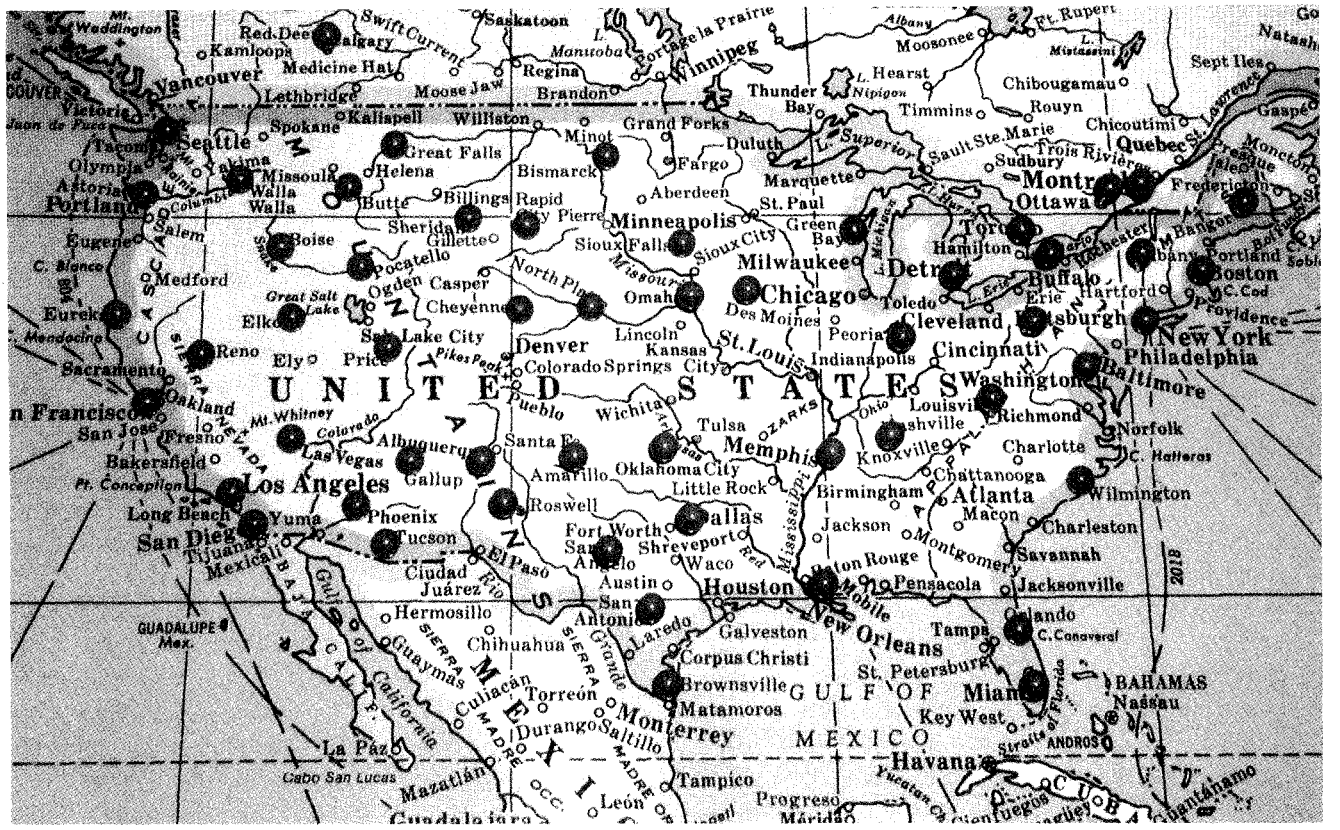
Another shortcoming is talent. For decades, the national GOP has invested far more than have Democrats in groups that serve as political farm teams—organizations such as GOPAC, which helps aspiring Republicans run for local and state office, and the College Republicans, where ambitious young conservative political operatives like Lee Atwater, Karl Rove, and Grover Norquist cut their teeth. Consequently, "Republicans have more people who know how to do the mechanics of running successful campaigns than Democrats do," notes former GOPAC head Rich Galen. Were it not for this talent imbalance, says Galen, "there's no question Democrats would take over the House, because there's just so much dissatisfaction with Republicans."

The list goes on. Democrats have not managed to find organized allies to replace shrinking labor unions, while Republicans are persuading corporations like Wal-Mart to organize their employees on behalf of the GOP. The RNC has made bold moves to poach persuadable members of traditional Democratic constituencies (blacks, Jews, Hispanics) while DNC efforts to do the same with traditionally Republican constituencies (environmentally minded hunters, moderate evangelicals) are barely off the ground.

The good news for Democrats is that some in the party—both in leadership and the grass roots—get it. One sign is the success of the liberal blogosphere, with its focus on hardball politics and raising small-donor campaign contributions (a perennial Democratic weakness). Another is a quiet national strategy now underway to reverse the Democrats' redistricting losses (see "The Race to Gerrymander," p. 15). There is also DNC chair Howard Dean's effort to rebuild state parties, as Republicans have been doing for years. Many question Dean's competence, and Hill Democrats are furious that he's put too few resources into helping congressional candidates win this year. But few doubt the need to rebuild state parties. That Democrats are now having to rob Peter to pay Paul is yet one more example of how past under-investment in political capacity is hurting the party this year.

If the election is close and Republicans do eke out a victory, there will be no end to debates about which message point the Democrats should or should not have stressed. Should they have talked more about the "culture of corruption" in Congress? (Yes, probably). Could they have put forth a more compelling alternative for Iraq? (Perhaps, but it's hard to think of one). Did they fall into Karl Rove's trap with their votes on terrorist detention and interrogation legislation? (We shall see). But debates about positioning and messaging could obscure the larger lesson of these midterms: They will be won or lost not so much in soundbites but on the streets. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



The Race to Gerrymander

Democrats have a parallel campaign to win the House. It starts in the states.

By Rachel Morris

On a fresh Saturday morning in early September, about 15 people gather in an office in a rundown mall in Monroe, Mich., to campaign for Bob Schockman, a first-time Democratic candidate for the state Senate. Monroe is a small city of about 22,000 people 40 miles from Detroit. That day, the city's paper notes that the county's income growth is the third slowest in the nation; "for sale" and foreclosure signs are more evident in the yards of Monroe's modest houses than placards for either political party.

Schockman is tall and gangly with thinning iron grey hair and bright eyes. He has an irrepressible enthusiasm for solving local problems, which include vanishing auto jobs and trash shipped into the area from Canada for 21 cents a ton. He has arrived at his candidacy the old-fashioned way, by moving up through a series of local offices won with do-it-yourself campaigns. Schockman tells me that when he ran for his current job, which is clerk of the nearby settlement of Bedford, he knocked on every door in town. But the operation that revolves around his Senate run has a decidedly professional quality. On this day, Schockman is accompanied by his wife Joan, a field organizer called Patrick, and State Sen. Mark Schauer, Michigan's Democratic Senate floor leader. The lean, tanned Schauer has the brisk air of a practiced politician; he wears a crisp white shirt and an electronic organizer is clipped to his tan trousers.

We drive to a quiet residential street, and Patrick hands

Rachel Morris is an editor of *The Washington Monthly*.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

out Palm Pilots connected to an online voter database. The database has selected the addresses of people who don't support the same party every election, and Democratic-inclined people who don't always vote. Patrick calls these "persuasion doors." Schockman lets Joan take care of the Palm Pilot and sets off energetically. "I just love doing this," he tells me.

Meanwhile, on one side of the street, Schauer moves from house to house with impressive efficiency. He makes a genial introduction ("I'm walkin' for Bob Schockman"), and quickly establishes how the person intends to vote, if he or she has a spouse, and whether the spouse plans to vote the same way. He briefly pitches Schockman, plugs the Democrats higher up the ticket, and asks if he can put a sign for Schockman in the yard. Then he "codes" this information in the Palm Pilot and moves to the next door. Across the street, Schockman moves more slowly. He has a gentle, easy manner with the people he meets. At one house, he discovers that the woman who answers the door attended the same high school that he did; at another, he is enchanted by the Michigan Wolverines collar worn by the owner's dog, which becomes so excited at the attention that it urinates on the porch. Occasionally Schockman knocks on doors that aren't listed in the database. "I feel funny about leaving a house untouched," he admits. Sometimes, he becomes engrossed in conversations about the growing tendency of union members to vote Republican, or the University of Michigan football game that day that has been delayed by rain. At such moments, Schauer appears to gently nudge him along, after first inquiring whether the person has a spouse, and how they would feel about putting one of Schockman's signs in their yard.

It might seem unusual for a novice challenger like Schockman, whose opponent is very well-funded, to merit such professional backing. One explanation is that this November, Michigan Democrats hope to win six seats to control the state Senate for the first time in 20 years. More intriguingly, though, they also have an eye on redistricting. After the 2000 election, Michigan Republicans controlled all three branches of state government, and redrew congressional lines to give the GOP a 9-6 advantage in the delegation, although the state voted for the Democratic candidate in the last four presidential elections. Schauer aims to reverse that. He's thinking long-term, but if his party holds the governorship and wins the state house, he doesn't see any need to wait to revisit the electoral map. "If we have the kind of year that's possible," he said, "I don't have any qualms about making the case that Michigan's legislative and congressional seats are not in conformance with the balance of the state."

Michigan isn't the only place where state elections have become infused with national ambitions. Since June, when the U.S. Supreme Court largely upheld Tom DeLay's audacious mid-decade redistricting of Texas, many national Democrats have been turning their attention to elections for state legislatures, which in all but eight states draw the boundaries of congressional seats according to the census. The Democratic Legislative Campaign Committee (DLCC), a K-Street political organization focused on state races, is helping candidates in places like Michigan with money, fundraising assistance, training, and logistical support. Emily's List, a large political action committee that aims to elect more pro-choice women to Congress, is also pouring resources into state campaigns, and training both male and female candidates with the aim of winning legislative chambers to control redistricting. And this August, the DLCC, along with other national groups, established a tax-exempt organization called Foundation for the Future, which plans to raise and spend $17 million to coordinate Democrats' long-term redistricting efforts. Political reporters this year have been understandably consumed with the few dozen close congressional races that could shift the balance of power in Washington after November. But they've missed a similarly fierce and focused battle over state legislative seats, one that could be just as important in determining control of the House in the not-so-distant future. This year, 83 percent of the country's 7,382 statehouse seats are up for reelection. DLCC strategists have calculated that if the party wins just 50 of those in the right places, it could ultimately gain 15 seats in Congress.

But when it comes to matching Republicans at redistricting, Democrats face a steep climb. Over the past 20 years, Republicans have turned the arcane process to startling advantage. That's partly because they've worked harder and spent more money, but it's also because of the way they've thought about it. As in so many things, Republicans have applied a fierce winner-takes-all mentality to the objective of gaining and holding a majority in the House. Democrats, while long aware of redistricting's importance, have more often let local and factional politics overwhelm their national interests. It's not yet clear what will become of their new initiatives, but the support given to people like Bob Schockman indicates that some Democrats have been jolted into thinking bigger and tougher —that is to say, thinking a little more like Republicans.

Behind the lines

In one sense, attempting to rig the electoral system in one's favor is an art of politicking as old as the stump speech or the filibuster. Gerrymandering pre-dates the Founding Fathers; the term itself was coined in 1811, when Massachussets Governor Elbridge Gerry was derided for approving a district for a supporter shaped like a salamander. But redistricting's modern era only really began in the 1960s, when an energetic Supreme Court led by Chief Justice Earl Warren established the principle of "one man, one vote," and Lyndon Johnson's Voting Rights Act required the creation of districts in which minorities could conceivably be elected. These mandates caused nearly every state to redraw district lines according to the census, which officials did using adding machines, magic markers, and maps pinned to office walls. The first redrawing occurred during a high-water mark of Democratic power, and the subsequent flurry of gerrymandering helped cement Democratic dominance of many state legislatures, as well as of the House.

Republicans began to grasp the significance of that fact in the late 1970s. At the time, Republicans held only 158 seats in the House; at the state level GOP legislators were outnumbered by Democrats by more than two to one, and didn't control a single chamber in the South. "Unless they could do something about this, the Republican Party had little prospect of becoming a majority party," said Mark Braden, a former redistricting attorney for the Republican National Committee (RNC). By the late 1980s, RNC chairman Lee Atwater had unveiled a

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

three-part strategy: winning state legislative seats, investing in technology, and litigating aggressively. "Reapportionment," Atwater declared, "is our number one national goal."

The legal component of this strategy was by far the most fruitful. Using the Voting Rights Act, which had been reauthorized with a provision that minorities must be able to elect a "candidate of their choice," Republican lawyers pushed for districts packed heavily with minorities. This argument addressed a very real problem. Since regular redistricting began in the 1960s, many Southern white Democrats had been content to represent districts with a convenient core of black voters – enough to help them win, but not enough to elect a black representative. When Republicans approached groups like the NAACP in the 1980s, with offers of free mapping software and support for so-called "minority-majority districts" in which minorities would comprise 60 or 70 percent of the voters, many black and Hispanic leaders leapt at the offer. Conveniently for Republicans, the strategy concentrated voters who tended to support Democrats, while allowing Republican voters to be spread more effectively. (In the business, this is known as a "pack-and-crack" technique). Benjamin Ginsberg, a Republican attorney who was one of the strategy's chief architects, notoriously dubbed it "Project Ratfuck."

House Democrats had also formed their own national redistricting effort in the 1980s, but it was more of an ad hoc affair. (Republicans were estimated to have outspent Democrats on redistricting by as much as 10 to one). More troublingly, Republicans capitalized on a long-standing tendency among white Democrats to take their black supporters for granted. "You had the old entrenched Anglo representatives refusing to deal with the reality that there would be minority districts drawn," said Matt Angle, a former chief of staff to Rep. Martin Frost (D-Texas). "You didn't have Democrats working with minorities." The consequences were transformative. The results of redistricting were muted in the 1992 elections, but became evident in the Republican landslide of 1994. That year, white Democrats virtually disappeared from the South, helping the GOP to gain key states like Georgia and to permanently shift the South into their column. Tom Hofeller, then the RNC's redistricting guru, told reporters that the remapping "helped set the stage for the Republican takeover."

For the next round of redistricting, scheduled to occur after the 2000 census, the stakes were even higher. This time, the outcome of redistricting would be crucial, as in 1999 Republicans only held the House by 11 seats (before 1990, Democrats had an 85-seat majority). Once again, Republicans prepared earlier and poured money into the 2000 legislative elections in critical states like Pennsylvania. Some Democrats, particularly Frost, advocated a similarly ambitious approach, but the 1994 wipeout had thrown the party into something of a tailspin, and for the next few years presidential contests consumed much of its energy and money. Eventually Democrats did devote considerable attention to state elections and preparing for the census, but they had already lost valuable time.

After 2000, Democrats found themselves entirely locked out of redistricting in four large swing states where Republicans had won all three branches of government: Michigan, Ohio, Pennsylvania, and Florida. "In those states we got hammered," one Democratic redistricting operative said. In Pennsylvania, GOP legislators, urged on by DeLay and assisted by Sen. Rick Santorum (R-Penn.), produced a map that delivered the party 12 of the state's 19 congressional seats. Florida, the quintessential swing state, wound up with 18 Republicans and seven Democrats. Gore won 50.7 percent of the vote in these four states in 2000, and that year Democrats held 35 of their 77 House seats. After 2002, Democrats held only 26. (Mark Gersh, a Democratic redistricting expert, concluded in a study of that election that Democrats were "steamrollered, not by George W. Bush, but by redistricting").

And while Republicans had made the most of states where they had unilateral control, even when Democrats had more influence they often brokered deals to protect incumbents rather than seeking to gain more seats. "Some institutional power within our party didn't want a national redistricting strategy messing with deals within their states," said a Democratic strategist involved with the redistricting effort. "The Republicans didn't have as much of a state boss mentality."

Nowhere was this more evident than in California and Illinois, two states where Democrats controlled the entire process. While Republicans in Pennsylvania and Michigan were producing take-no-prisoners maps, in perennially blue Illinois, state Democrats made what one Democratic redistricting lawyer describes as a "crappy deal" with Speaker Dennis Hastert. Mindful of the money Hastert brings to the state in earmarks, Illinois Democrats produced a a map that generated at least two fewer Democratic House seats than it might have.

In California, the arrangement went something like this: State Democrats solidified their grasp on Sacramento and strengthened the existing seats of congressional members, without increasing their number. Republicans, who agreed not to challenge the map in court or introduce a redistricting-reform ballot initiative, were prepared to take state-level losses in return for making their 20 congressional seats safer — with the overriding goal of maintaining the GOP's House majority. This incumbency-protection racket produced some truly bizarre cartography. One slender district, known as the "ribbon of shame," snakes down the Pacific coast, 500 miles long and in some places only 500 yards wide. Rep. Howard Berman (D-Calif.), the delegation's point man for redistricting, now represents a district shaped like a set of headphones, drawn by his brother, which maneuvered around a pocket of Latino voters so Berman wouldn't face a strong Latino primary opponent. The map may have pleased California Democrats and national Republicans, but the real losers were the state's voters: in 2004 not a single congressional or legislative seat changed hands.

It's also becoming increasingly apparent that Democrats made a bad trade-off. For example, Republican voters were siphoned from Democratic districts and given to Rep. Richard Pombo (R-Calif.) in an effort to make all the representatives more secure. Pombo is unexpectedly vulnerable this year, but the map's configuration makes it far tougher for a Democrat to beat him. "There's no doubt that if we'd known then what we know now, we might have gone more aggressively in California," the Democratic lawyer said. Whatever Pombo's fate, in 2000, both Democrats and Republicans contrived to ensure that even if there's a 1994-style shift in public opinion

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

this year, it almost certainly won't translate into a 1994-style transformation in the House.

Quick on the draw

It was the outlandish saga in Texas that finally prompted some Democrats into rethinking their approach to redistricting. Texas had already produced its map for the decade, but in 2002 DeLay, sensing opportunity, had directed more than $3 million into state elections in a successful effort to put the legislature wholly in GOP control. (He was later indicted for money-laundering charges related to the donations). Next, the GOP set about reversing what remained of a skilful Democratic gerrymander from 10 years earlier. But even in the bare-knuckled world of redistricting, the GOP revision, which netted the party five more seats, seemed not just partisan, but vindictive. It removed Frost's district entirely (a fact that a GOP operative celebrated gleefully in an email). At one point, a lawyer for one GOP lawmaker described the plan in an email as "the most aggressive map I have ever seen," adding, "This has a real national impact that should assure that Republicans keep the House no matter the national mood."

The viciousness of the Texas episode prompted many to hope that the Supreme Court would finally halt excessive gerrymandering. When it comes to electoral mapping, the court has never managed to define exactly what constitutes "too partisan," but in an opinion upholding the GOP's Pennsylvania map last year, Justice Anthony Kennedy had hinted that he wanted to try. This June, however, the court sanctioned the mid-decade timing of the Texas remapping and all of its districts but one, which was overturned on racial, not political, grounds. The convoluted decision contained almost no new legal arguments of significance, but it signaled to both parties that there was basically no gerrymander so partisan that the court couldn't stomach it. Joan Fitz-Gerald, the DLCC's chair, said that when the Supreme Court reaffirmed almost the entire Texas plan, it "sent chills down people's spines."

Since then, a number of Democrats have argued that the party should play the game according to the rules that DeLay has created. Last year Reps. Rahm Emanuel (D-Ill.) and Steny Hoyer (D-Md.) argued forcefully that Democrats should re-redistrict in Illinois, New Mexico, and Louisiana in retaliation for the Republican mid-decade redrawing in Texas, as well as for similar off-cycle remapping that occurred in Colorado and Georgia. Hoyer also met with state lawmakers in New York to discuss the possibility of reconfiguring its congressional maps should Democrats win the state Senate this year. Nothing came of these talks: New Mexico and Louisiana could only have yielded one extra seat each, and in both states local politicians quickly quashed the effort. In Illinois, potentially a more worthwhile endeavor for Democrats, the state party pushed back, again reluctant to anger Hastert.

Later that year, California Democrats also had a chance to revisit their map. The state GOP had kept its word and didn't introduce a redistricting ballot initiative, but when Arnold Schwarzenegger was elected governor, he promoted an initiative to turn the process over to an independent commission. (For the most part, this appeared to be a genuine effort to revive California's stagnated electoral process, and also to ensure the survival of moderate Republicans, an increasingly rare species in such a polarized landscape). It's impossible to say for sure whether either party would have benefited from this plan. But because the last map concentrated Democrats far more densely than Republicans, a more competitive map might have increased the delegation. "My bet is that if Schwarzenegger's thing had passed it would have resulted in more seats for Democrats," said the senior Democratic strategist. "[But] some of the people took great umbrage and decided the delegation should fight it — some thought they might be thrown together or placed in majority-minority districts." The strategist added dryly: "Sometimes there is a conflict between individual incumbents, and maximizing the number of incumbents." Led by minority leader Rep. Nancy Pelosi (D-Calif.), nearly all of California's House lawmakers resisted the measure, raising $12 million to successfully defeat it.

But Democrats have one potential advantage for future redistricting efforts. The McCain-Feingold campaign-finance law passed in 2002 now makes it illegal for the national parties to spend soft money on state campaigns. This means, according to Mark Braden, that the RNC, for many years the efficient operation driving the GOP's redistricting success, is "basically out of the business." For once, Democrats have a head-start with their new 527 organization, which was set up by the DLCC, AFSCME, the government employees union, and the National Committee for an Effective Congress, the main organization that provides technical redistricting support to Democratic state parties. (Republicans are considering forming a similar organization after the election). The foundation for the first time centralizes Democrats' redistricting operations, and also addresses one of their long-standing problems: "It takes the task out of the hands of actual Democratic members of Congress, who have such a self-interest that they can't plan for the whole," said Angle.

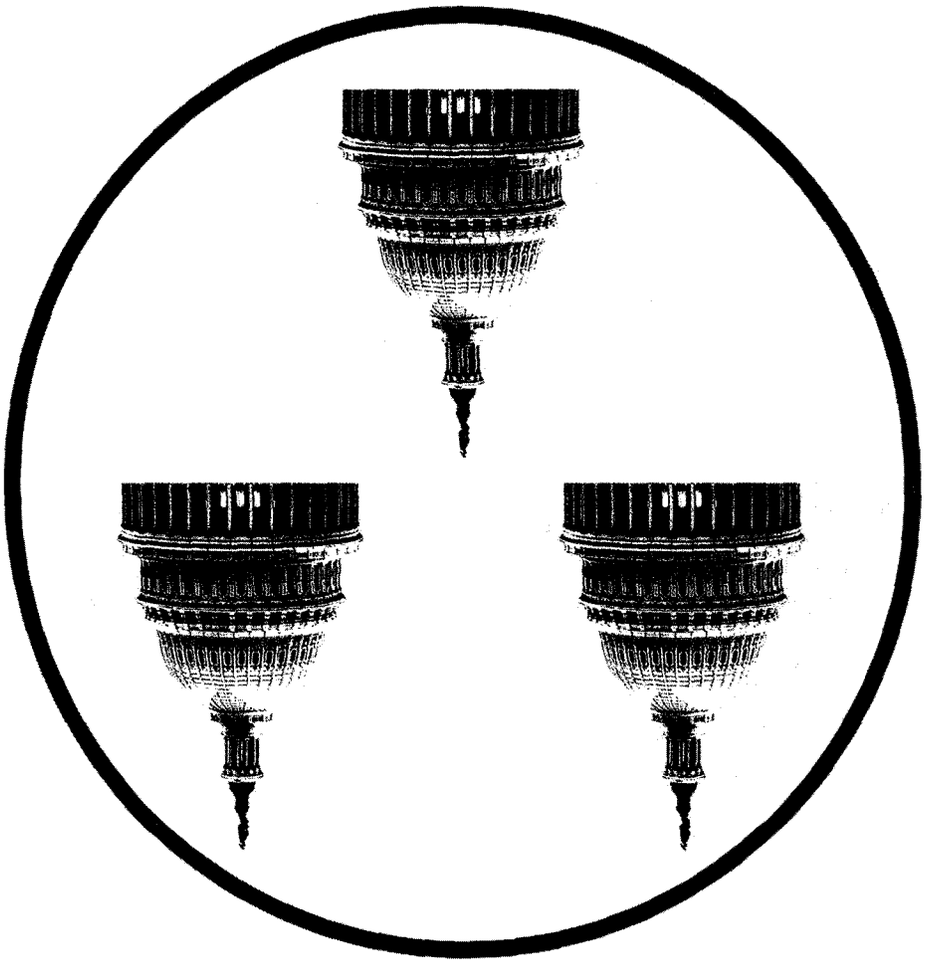
The new world of redistricting ushered in by DeLay presents Democrats with some difficult choices. The party's core of minority support means that it has to balance its partisan interests with the demands of the Voting Rights Act, a problem Republicans don't face. And the question of whether to aggressively seek opportunities to remap mid-decade brings battlers like Emanuel into conflict with others who argue that Democrats should seize the moral high ground. There's merit to the latter argument. For one, there are no Texas-sized opportunities for Democrats where they could gain more than two or three extra seats. More significantly, the GOP redrawing came with heavy costs: DeLay's machinations may yet send him to jail, and soon after the Colorado mid-decade stunt was rejected by the state Supreme Court, the state's voters handed the legislature to Democrats. But although the issue of whether to redistrict mid-decade is a thorny one, planning now for 2011 seems like a simpler proposition. Jeff Wice, another redistricting attorney who for many years worked for the DNC, puts it this way: "It's still being debated that if one party goes to excess, then the other party shouldn't sit on its hands. There are winners and losers in redistricting — it's a zero sum game." ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Death Wish

If terrorists attack Congress, America could have no legislative branch. House Republicans are fine with that.

By Avi Klein



In 1998, according to the 9/11 Commission report, Osama bin Laden, Khalid Sheik Mohammed, and Mohammed Atef met near Kandahar, Afghanistan, to draw up a list of targets for the attacks that would ultimately take place on September 11, 2001. There were differences of opinion, naturally: Bin Laden wanted to destroy the White House and the Pentagon, while Sheik Mohammed preferred to go after the World Trade Center. But all three men agreed on one target: the Capitol building.

Had it not been for the passengers on Flight 93, hundreds of members of Congress—as well as their staffs—might have been killed. As al Qaeda understood, that could have thrown America's entire political system into chaos. If Congress had been unable to make the constitutionally required quorum of more than half of all seats, the legislative branch might well have had to largely shut down, with catastrophic consequences for the nation's ability to govern itself and develop a response to the attacks—and perhaps even for America's democratic tradition.

Without Congress, the president might have had to declare martial law—at least until the states could hold constitutionally mandated special elections—further traumatizing an already reeling population. Certainly, the executive branch would have been in sole control of carrying out all the critical tasks that government would be faced with: appropriating money to fund

Avi Klein is senior writer at the *Homeland Security Daily Wire*.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the war, rapid rebuilding, and other executive-branch operations; and passing emergency security orders, among other activities. Without the backing of Congress, those steps would have lacked legitimacy in the eyes of large sectors of the American public and the rest of the world. And in the long term, the precedent would have diminished the standing of the legislative branch, making it that much easier for the White House to rule unilaterally in the future. As the bipartisan Continuity of Government Commission (COGC) put it in a 2003 report: "If anyone doubts the importance of Congress in times of crisis, it is helpful to recall that in the days after September 11th, Congress authorized the use of force in Afghanistan; appropriated funds for reconstruction of New York and for military preparations; and passed major legislation granting additional investigative powers and improving transportation security. In the event of a disaster that debilitated Congress, the vacuum could be filled by unilateral executive action—perhaps a benign form of martial law. The country might get by, but at a terrible cost to our democratic institutions."

Soon after 9/11, the problem of how to ensure the continuity of Congress—and in particular, the House of Representatives—began to receive attention in Washington. The following year, two Beltway think tanks—the center-left Brookings Institution and the right-wing American Enterprise Institute—collaborated to create the COGC, a bipartisan group of respected former elected officials and congressional scholars charged with devising a plan to fix the problem. Gerald Ford and Jimmy Carter were honorary co-chairs, while the scholarly heavy-lifting was done by former White House counsel Lloyd Cutler, as well as by Norman Ornstein and Thomas Mann, congressional experts at AEI and Brookings, respectively. Newt Gingrich also played a role.

The commission concluded that the threat of one or both houses of Congress being decimated by a terrorist attack was so grave as to require urgent action. "There is a gaping hole in our constitutional fabric that would allow large numbers of vacancies in Congress to continue for a significant period of time," the report stated. "The threat of terrorism remains high, and it is clear that our governing institutions remain prime targets. It is an urgent matter to repair that constitutional hole." The only effective way to do that, the commission made clear, was to allow governors to appoint special replacements for members of Congress killed in an attack. The replacements could be term-limited to the length of time necessary to hold new elections. But that could still be as long as six months, since, even under peaceful conditions, say election experts, the business of holding primaries, campaigning, printing ballots, and reserving space in churches and school cafeterias simply takes time. Without appointed replacements, Congress would be vacant for this period, and the president unchecked.

Calling the House "the most constitutionally vulnerable of the three branches" to continuity problems, the commission recommended a constitutional amendment giving governors the power to appoint emergency replacements until elections could be held (thanks to the 17th Amendment, senators can already be replaced by gubernatorial appointment). To be sure, constitutional amendments—which take years to pass through the states and require a determined political effort—are momentous things. But if the clause ever had to be invoked, the times would, by definition, be unprecedented. By the commission's recommendation, it would come into effect only if one half of members of Congress were killed.

The commission's suggestions—sober-minded and rational as they were—had one major flaw that worked against their chances of being enacted: No one apart from a few op-ed columnists really cared. And, of course, the commission itself—unlike, say, the 9/11 Commission—had not been created by Congress or the White House, and had no actual authority. It was nothing more than a group of knowledgeable, concerned, well-connected citizens who felt strongly about the issue and wanted Congress to pay attention. That made the continuity movement easy to caricature as an elitist scheme to rob the people of their constitutional right to elect their representatives. Congressional leaders who opposed the idea could easily sideline the effort without paying a political price.

Five years after the 9/11 attacks, Congress has allocated billions of dollars to ensure the uninterrupted operation of the executive branch, and government agencies at all levels have taken extensive steps to plan for their survival. But Congress has made no plans for itself. The story of how and why that happened illustrates the challenges of achieving progress on political causes—no matter how sensible, and how urgent—that lack vocal, organized voting constituencies, and that offer no obvious political benefits to those who take them on. It also shows how one powerful lawmaker can manipulate the legislative process to kill initiatives he opposes. And it offers yet another example of how the Republican Congress has elevated hyper-partisanship and narrow political maneuvering above the public interest.

Framers and wafflebottoms

The framers intended the House of Representatives to be the chamber that most directly reflected the popular will. They required in the Constitution that House members be popularly elected—a stricture that raised, even then, the question of how to quickly replace large numbers of representatives in the event of an emergency. It was a problem the founders never solved: A proposal at the Convention of 1787 to allow governors to make replacement appointments was rejected for removing "the appointment too far from the people," as James Wilson put it, but no other action was taken to address the quandary.

The issue arose more urgently during the Cold War, as the threat of a nuclear exchange with the Soviet Union grew. Although a functioning Congress could have acted as a check on executive power in the wake of an attack, both the Eisenhower and Kennedy administrations strongly supported efforts to ensure continuity. According to David Krugler, a University of Wisconsin historian, President Eisenhower was intensely concerned about the problem of continuity, and had an emergency executive order written—which he carried in a special satchel of similar orders—allowing him to declare a separate meeting place for Congress, outside the District of Columbia. And Kennedy's deputy attorney general, Nicholas Katzenbach, testifying before a House Judiciary committee hearing in 1961, called the issue of continuity "an extremely important matter" that "should be provided for by constitution-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

> For some House Republicans, the prospect of Congress being forced into a subordinate role by virtue of its inability to quickly reconstitute itself is to be welcomed, not feared.

al amendment."

Congress itself, though—and especially House members—felt more ambivalent. Some representatives were concerned that allowing governors to appoint legislators could change the partisan composition of the House. But perhaps more important, many House members feared that supporting such legislative action might prompt their constituents to ask why their elected representatives were going to such extraordinary lengths to ensure the future of their own institution, while paying less attention to the security of ordinary Americans around the country. This was not an unreasonable political concern: In 1950, the Truman administration had introduced a bill that sought to ensure the continued functioning of major government departments by dispersing federal office campuses outside downtown Washington—only to see it rejected after some House members denounced the notion of worrying about protecting "wafflebottoms" (a derisive term for federal bureaucrats) while American troops were fighting and dying in Korea. As a result, legislative efforts, though frequent, gained little traction. Between 1950 and 1959, according to Krugler, Congress considered 19 separate bills designed to provide for the appointment of House members in an emergency. Three were passed by the Senate, but none became law.

When the 9/11 attacks brought renewed interest in the problem, many of these same political attitudes burst into the open. Conservative activists united against the notion of DC-based political elites usurping the people's right to elect their representatives. The right-wing firebrand Phyllis Schlafly created the Coalition to Preserve an Elected Congress and—ignoring the COGC's carefully bipartisan composition—derided the commission as "an elite group of former Clinton advisers." Part of this opposition also reflected a fundamental ideological aversion to Congress in general. "It should not be high on our worry list that the House couldn't pass bills until special elections are held," Schlafly argued during congressional testimony in 2003. "Almost every year Congress goes about four months without passing anything significant."

Variations of this position found support even within Congress. Some House Republicans fervently opposed taking action, out of a desire to support the Bush administration in its bid to expand executive-branch power to fight the war on terror. For them, the prospect of Congress being forced into a subordinate role by virtue of its inability to quickly reconstitute itself was to be welcomed, not feared. "There is not going to be anything for any member of Congress, any major decisions to be made during that period of time," argued Rep. Ray LaHood (R-Ill.) during a floor debate. "We do not need to be around here." And, predictably, the Bush White House—unlike the Eisenhower and Kennedy administrations—was in no hurry to lend support to any effort that could end up providing a check on executive power.

Perhaps most important, one powerful Republican committee chair was also implacably opposed to taking action. According to former Rep. Martin Frost (D-Texas), who led an informal House task force on the issue: "We met a stone wall because the Republicans wouldn't face down Jim Sensenbrenner on this issue." Over his 27 years in Congress, the veteran Judiciary committee chair—described by *The New York Times* as "a big-bellied curmudgeon with a taste for old Caddies, pontoon boats and enormous cigars"—has established a reputation as a wily legislator, his style equal parts political principle and capricious cunning. Last year, after a witness before his committee compared Guantanamo Bay to a gulag, Sensenbrenner banged the meeting closed and walked out, gavel in hand, leaving the Democrats sputtering into their microphones. Says one Democratic Hill staffer, "He's the classic bully chairman."

On the continuity issue, Sensenbrenner's position drew on the spirit of the Founding Fathers. As Sensenbrenner summed it up in a 2004 floor debate: "Elections, no matter how imperfect they are, are much better than having an appointed House of Representatives where the loyalty would be nowhere but to whomever (sic) made the appointment."

But to proponents of taking action, Sensenbrenner's dedication to the House's status as a pure reflection of popular will appeared to increase the risk of ending up with no working House at all—making it less principled than perverse. Is it reasonable to believe, asks Rep. Brian Baird (D-Wash.), one of the early leaders of the continuity movement, that the framers would have preferred an empty House to a temporarily unelected one? "One of the paradoxes is saying, 'we should never violate your right to elect your representative, and that is more sacrosanct than your right to have any representation,'" says Baird. "If you really want to say, 'well, I'm dedicated to the tra-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ditions of the House, so dedicated that I prefer there not be a House in a crisis,' well, that's a weird dedication."

Kill bill

Sensenbrenner used all of his considerable legislative clout to sideline any efforts to ensure continuity. In October 2001, Baird, working with Ornstein—who had written a series of columns designed to raise awareness of the problem—drew up a measure that would have required members of Congress to make a list of successors from which the governors of the states would choose. This would ensure that Congress's partisan breakdown remained unchanged, and would increase the chances of the new members being qualified. But the specifics were less important than the notion of opening a conversation on the issue. Baird's plan was, he says, a "starting point."

Or an ending point. Sensenbrenner flatly refused to hold any hearings on Baird's amendment, let alone move it to the floor for a vote. Even the single hearing that he allowed on the general issue, in February 2002, turned out to be a sham. Three of the four witnesses (the fourth being a Congressional Research Service staffer who gave only a historical overview), all three attorneys and constitutional scholars, testified in favor of emergency appointments, stressing the need to repopulate the House at the greatest speed practicable. But the hearings produced no follow-up: Ornstein recalls that Rep. Steve Chabot (R-Ohio), a close Sensenbrenner ally who chaired the hearings, told him: "Sensenbrenner had said 'hold one hearing and that's it.'" Sure enough, when a reporter later asked Chabot if he planned to hold another, he replied, "I probably ought to wait and talk to Chairman Sensenbrenner about that."

Sensenbrenner wasn't acting alone. With an important section of their base defiantly opposed, and no powerful interest group pushing for action, Republican congressional leaders calculated that there was little political upside to the issue. In March 2002, House Majority Whip Tom DeLay (R-Texas) made clear that he had no plans to bring continuity legislation to the floor. House Republicans even resisted the formation of an informal working group intended simply to discuss the issue and educate members. When a petition from more than 200 members of Congress forced them to relent, the group's ranking Republican, Christopher Cox, acting on the leadership's orders, made sure to bury all far-reaching approaches, including Baird's, at the bottom of the group's agenda, according to Frost. The group disbanded a year later, having achieved little.

Still, as 2002 wore on, other GOP legislators were growing anxious about the perception that they were entirely ignoring a crucial component of planning for a terrorist attack. So Sensenbrenner, aware that simply doing nothing at all was no longer an option, developed an alternative approach: an unfunded mandate ordering the states to hold special elections within 21 days, with ten days for party leaders to name candidates (there would be no time for primaries) and a week and half for campaigning. This was exactly the approach the commission had warned against, since it simply didn't offer enough time to hold legitimate elections. Further, the bill included no funding for the states, no benchmarks to be met, nor any consequences for failure. It simply ordered states to hold special elections within 21 days, despite the fact that many would be unable to comply—meaning Congress would remain empty. In short, Sensenbrenner's approach would do almost nothing to ensure a functioning House in the wake of an attack. Baird calls it "not even a Band-Aid. A Band-Aid is actually a tangible substance that does some good."

But Sensenbrenner easily got the bill through his committee on a party-line vote, with almost no discussion. Democrats denounced the process as rushed and high-handed, but there was little they could do. On the floor, Republican leaders limited the debate to one hour, while Sensenbrenner made it clear that no other continuity bill would be in play. That made many members nervous about going on record against the only effort to address the problem—even if the effort was grossly inadequate. The bill passed overwhelmingly.

It met stiffer opposition in the Senate from Sen. John Cornyn (R-Texas), who endorsed the findings of the COGC, and from Sen. Robert Byrd (D-W.Va.), who objected to the way it had been rammed through the House. But Sensenbrenner responded by simply attaching it to an appropriations bill the following year, making it all but impossible to oppose.

There was one more thing Sensenbrenner needed to do to put a final nail in the coffin of efforts to ensure continuity: In June 2004, he agreed to hold a vote on Baird's measure. The timing was perfect. By having already passed his own bill, Sensenbrenner had effectively created the perception that the problem was solved. Baird, it now appeared, was tinkering with the Constitution without reason. Again, Republican leaders allowed only a rushed debate, and when Rep. Dana Rohrabacher (R-Calif.), with Baird's encouragement, tried to introduce an amendment to the bill, he was rebuffed. A straight up-or-down vote on a bill most members barely understood was all that would be allowed. "The leadership made the decision," Rohrbacher told me. On a largely party-line vote, Baird's bill was defeated.

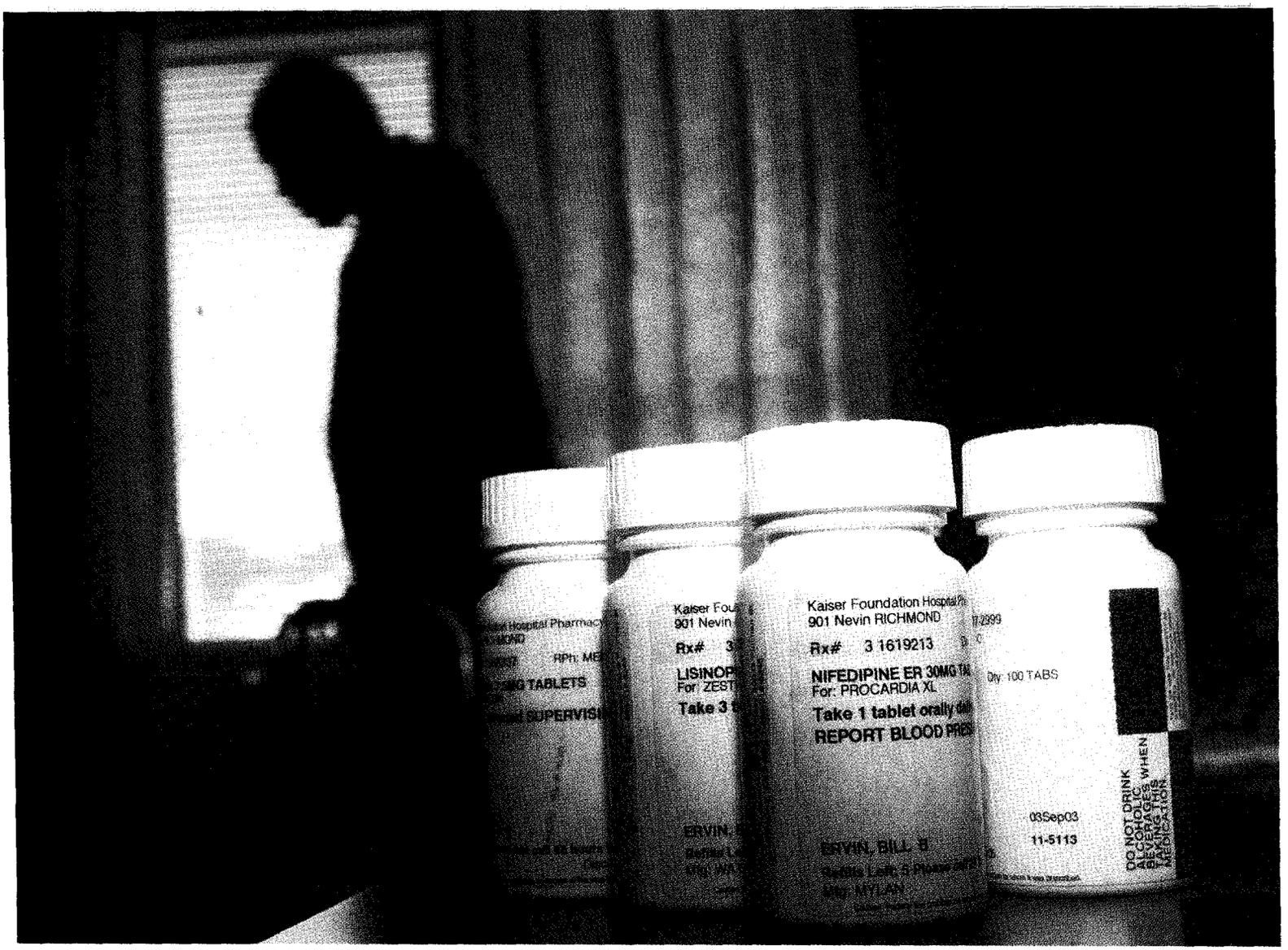
To die for

Since then, the momentum has largely stalled. Even Baird, whose enthusiasm for the issue at times made him appear to colleagues as slightly unhinged, has largely moved on to other topics. Ornstein occasionally produces another distressed column. Our ability to avoid new attacks has softened the perceived need for change. The COGC has slowed down considerably as well, in part because of the death of Cutler last year.

That's left amendment supporters without much hope. Baird, a former clinical psychologist, compares opponents of action to parents who avoid signing a will for fear of contemplating death. "It's interesting to me how many of my colleagues think that they are not going to die," he says. Baird should know. In his previous career, he often counseled terminally ill cancer patients trying to come to terms with their mortality. In the hospital setting, though, Baird's bedside manner and skill were usually sufficient in helping patients along. That hasn't been the case in Washington. "In clinical work, I get to write the rules a little bit," says Baird. "You don't have to deal with a Rules committee, a Speaker of the House, or a Judiciary chairman."

– Additional reporting by Joseph Michael Corcoran. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



GETTY IMAGES, PHOTOGRAPHER JUSTIN SULLIVAN

Poison Pill

How Abramoff's cronies sold the Medicare drug bill.

By Barbara T. Dreyfuss

When Rep. Bob Ney (R-Ohio) pleaded guilty in September to selling legislative favors to clients of the disgraced lobbyist Jack Abramoff, it signaled that the fallout from the corruption scandal is far from over. Indeed, prosecutors are still issuing subpoenas, using information fed to them by Abramoff and three associates who pleaded guilty earlier this year: Tony Rudy; Michael Scanlon; and Neil Volz, Ney's former chief of staff. Other key Abramoff associates remain under scrutiny, most notably Ed Buckham, a former staffer of Rep. Tom DeLay (R-Texas), and the founder of the Alexander Strategy Group consulting firm, and the U.S. Family Network, the nonprofit that formed the nexus between DeLay and many of Abramoff's clients. And while DeLay stepped down last September as House majority leader and departed Congress in June, the scandal's shadow still hangs over others who remain on Capitol Hill, including Sen. Conrad Burns (R-Mont.) and Rep. John Doolittle (R-Calif.).

Abramoff's influence-peddling scheme has already figured prominently in many mid-term election campaigns. Democrats

Barbara T. Dreyfuss is a freelance writer in Alexandria, Va.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

accuse Republicans and their lobbyist allies of being motivated by greed. Ney, who recently checked himself into an alcohol rehabilitation clinic, blames the bottle. There's no shortage of either greed or booze in Washington, but the root cause is much deeper. After Republicans took the House in 1994, and especially since they gained the White House in 2000, DeLay and others in the GOP leadership built a vast political machine operating largely outside the scrutiny of campaign-finance laws. The coterie of lobbyists surrounding Abramoff was at the heart of that system. The role of these lobbyists was not just to enrich themselves or to attract large sums from corporate America to Republican campaign coffers—although they certainly did both those things. The lobbyists were also an essential component of a governing strategy the leadership used to get laws passed.

There's perhaps no better example of this than Medicare. The Medicare prescription-drug bill, passed in late 2003 after a bitter partisan struggle, represented the program's biggest expansion since it began more than 40 years ago. But with its enormous expense and inadequate coverage, it has proved to be a disaster. Twenty percent of enrollees have higher drug costs than they did before signing up. In the next three months, an estimated three and a half to seven million people will hit the notorious "donut hole," in which coverage stops until their drug spending reaches $5,100. "We ended up with a program that undermines Medicare and costs way too much for a program with major gaps in coverage," said Roger Hickey, co-director of the Campaign for America's Future and a founder of Americans United, a coalition of consumer and labor groups demanding that Congress fix the plan.

It's well known that in his crusade to pass the bill, DeLay drew on more than 800 pharmaceutical-industry lobbyists, millions of dollars in campaign contributions, and the efforts of numerous business and healthcare groups. But this grossly flawed legislation could never have passed without the help of the same players who were central to Abramoff's lobbying operation: Tony Rudy and Ed Buckham. Using a nest of nonprofits flush with corporate cash, the discredited lobbyists played a vital, albeit hidden, role in whittling down congressional opposition to the bill for more than a year before the final vote. In particular, Alexander Strategy made use of three senior nonprofit groups—the United Seniors Association, the Seniors Coalition and 60 Plus—and a Christian evangelical group, America 21, which were all funded heavily by the pharmaceutical industry. This is the story of how this shadowy network helped saddle the American public with the Medicare drug bill—the biggest, most important piece of policy in which the dubious talents of Abramoff's acolytes were brought to bear.

All in the family

Ed Buckham is a balding lay minister who, as chief of staff to then House majority whip Tom DeLay, often led prayers in the office. In 1997, Buckham quit to answer a higher calling, establishing his own consulting firm, Alexander Strategy Group. He'd also founded a nonprofit called the U.S. Family Network, ostensibly to promote a pro-family agenda. But after Buckham entered the lobbying world, it was hard to tell that he'd left DeLay's employ. He continued as DeLay's spiritual adviser and remained in close contact with his office. Alexander Strategy employed DeLay's wife, Christine, as well as Karl Gallant, who had headed DeLay's PAC, Americans for a Republican Majority (ARMPAC). For more than a year, ARMPAC, Alexander Strategy, and the U.S. Family Network shared a D.C. townhouse, which DeLay sometimes used to make fundraising calls. Dick Armey, the former House majority leader, told *The New York Times* this year, "Tom DeLay sent Buckham downtown to open shop and set up a branch office on K Street. The whole idea was 'what's in it for us.'"

Occasionally, Buckham coordinated a little too closely with the Republican House leadership. In 1999, the National Republican Congressional Committee (NRCC) made a $500,000 payment to the U.S. Family Network. Buckham then transferred $300,000 of this sum to a shell group called Americans for Economic Growth to run ads against House Democrats on Medicare issues. The Federal Election Commission later fined the NRCC $280,000 for this transaction, which violated campaign-finance laws. But for the most part, Buckham's connections generated rich rewards. Early on, a major contract from Enron secured with DeLay's assistance helped launch Alexander Strategy. Abramoff also steered some of his biggest clients to the firm, funneling their money through the U.S. Family Network. And in 2000, Alexander Strategy landed what would eventually become its biggest account: Pharmaceutical and Research Manufacturers of America (PhRMA), the drug industry's powerful lobbying arm.

As Abramoff, Buckham, and their associates built their influence empire, one of their most useful instruments was the nonprofit organization—groups like the U.S. Family Network that existed in name only and acted as conduits for money from lobbying clients, often donated for political purposes. In their Medicare campaign, Alexander Strategy operatives also made creative use of nonprofits in a different way, this time employing a favored modus operandi of the DeLay era. Groups registered under section 501c of the tax code aren't required to disclose their donors, but they're also not supposed to make electioneering their main activity. However, thanks to vague language in the tax code and the fact that the IRS rarely polices violations, some nonprofits became havens for unlimited, untraceable corporate wealth, used to run "grassroots" campaigns for partisan causes and political candidates.

The obscure nonprofit that would play a central role in Alexander Strategy's Medicare work was the United Seniors Association. United Seniors was founded in 1991 by Richard Viguerie, the Republican who pioneered political fundraising by soliciting small donations through direct mail. Viguerie (who is no longer associated with the organization) had intended United Seniors as a conservative alternative to the American Association of Retired People (AARP), but it never threatened the 35 million-member group's dominance. United Seniors was run by economic conservatives concerned about tax cuts, balanced budgets, and Social Security privatization; their Medicare platform revolved largely around defeating President Clinton's healthcare plan and promoting private, tax-free healthcare accounts. It employed a grassroots organizer with a small network of contacts, and its budget of $8-11 million, raised mostly by direct mail, never quite covered its needs.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

All this changed in 2000, when United Seniors' long-time president and CEO was replaced by Charles Jarvis, a veteran of the Reagan and George H.W. Bush administrations. Jarvis soon decided that the grassroots organizing was too costly. He fired the coordinator, let the direct-mail lists languish, and started soliciting money from corporate America.

His first success came in 2001 with energy policy, which Jarvis unabashedly proclaimed to be a seniors' issue. United Seniors joined three industry-backed organizations promoting the Bush administration's energy program, including drilling in the Arctic National Wildlife Refuge. The group was also one of 10 members of the 21st Century Energy Project, an Enron-funded group set up by former Republican National Committee chair Ed Gillespie.

At the same time, Jarvis sought to boost United Seniors' fundraising power by filling its board with powerful Washington players. "He was aggressive in finding ways to get us to resign," said former board member Craig Shirley. "He wanted the group to be more active and better financed." One of United Seniors' new recruits was Jack Abramoff. "At their request, I invited him to be on the board," said David Keene, the chair of the American Conservative Union, who began working for United Seniors as a lobbyist in 1998 (Keene, who was still registered with United Seniors in 2003 but opposed the Medicare drug bill, said he did not actively work for them that year). Abramoff, said Keene, "was very successful. He had been on a number of groups and was interested in issues. And it was our thought that if we could get him on the board he would help raise money." Keene and others associated with United Seniors at the time say they don't think Abramoff raised funds for the group, although they couldn't say for sure. Jarvis and his top aide, who handled donations directly, refused repeated requests to comment for this story.

Whatever Abramoff's role, Jarvis's new business model produced dramatic results. By 2002 United Seniors' revenue had leapt to $25 million. According to its tax returns, none of this amount came from membership dues, while $20 million was contributed by a single donor. Neither PhRMA nor Jarvis ever admitted that the sum came from the drug industry, but PhRMA has confirmed that it gave United Seniors an "unrestricted educational grant" in mid-2002.

United Seniors wasn't the only seniors' group whose fortunes had become entangled with an Alexander Strategy client. By 2002, two other Viguerie-founded groups, 60 Plus and the Seniors Coalition, had also received substantial sums from PhRMA. In 2000, the Seniors Coalition received

Dynamic Duo

As the Abramoff scandal threw a spotlight on the Alexander Strategy Group, the consulting firm's two lead partners, Ed Buckham and Tony Rudy, claimed much of the media attention. But the rest of the firm's stable remains largely unknown — including Mike Mihalke and Chris Bertelli, who ran United Seniors' ad campaign in 2003. Both Mihalke and Bertelli came to the Medicare issue with histories of deceptive campaigns.

On Halloween 1998, three days before the midterms, thousands of Democrats in California's 10th district received mailings from an entity called the East Bay Democratic Committee. The letter, signed by Rep. George Miller, a California Democrat, urged them to vote against Democratic incumbent Rep. Ellen Tauscher for having supported an impeachment inquiry into President Clinton. Thousands more residents received phone calls telling them to oppose Tauscher.

But there were two problems. First, the East Bay Democratic Committee didn't exist. Second, Miller strongly backed Tauscher. A Federal Election Commission investigation revealed the communications to be the brainchild of Adrian Plesha, campaign manager for Republican candidate Charles Ball, and Mihalke, a consultant to Ball and former aide to Sen. Rick Santorum (R-Penn). Plesha, as the person who actually arranged and financed the mailings, was fined and sentenced to three years' probation.

The next year, Mihalke joined Buckham to create television ads attacking vulnerable Democrats. Buckham's nonprofit, the U.S. Family Network, received $500,000 from the National Republican Congressional Committee (NRCC), moved part of that sum to another group, which then paid Mihalke. The FEC fined the NRCC for violating election laws, but Buckham and Mihalke didn't fall under the scope of its investigation.

In 2000, Mihalke and Bertelli teamed up in California, where Bertelli ran a campaign supporting Proposition 38, a school vouchers proposal. Bertelli was spokesman for the initiative, while Mihalke designed and placed millions of dollars worth of controversial ads, including one that portrayed dropouts as muggers. Another falsely implied that then-Gov. Gray Davis backed the measure. Davis threatened to sue and asked the Assembly Rules Committee to take action, but no lawsuits or charges were filed.

In 2003, while Mihalke and Bertelli were working the Medicare issue, their company, Advocacy Technologies, was busy in Florida, where it orchestrated a phony grassroots campaign against proposals to allow slot machines at racing tracks. The Florida Election Commission traced the campaign to a front group called Floridians for Family Values, Inc. and fined the group for hiding its funding and expenses (donors included a company that represented rival gambling interests). Its major payments were to Advocacy Technologies, which sent mailings and ran phone banks to create an illusion of public opposition to the measures. Slots were later approved in one county, although the issue is being challenged in court. The pair have since moved on: Mihalke is forming a consulting firm, while Bertelli is assistant deputy director for the California Office of Homeland Security.
– *Barbara T. Dreyfuss*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

more than $2 million from the trade group, around 15 percent of its revenue. In 2001, 60 Plus received $275,000 from PhRMA, three drug companies, and another industry group; and in 2002 PhRMA acknowledged giving 60 Plus another "unrestricted grant." 60 Plus shared other benefactors with Alexander Strategy: In 2001, they received $300,000 from a Korean explosives, chemical and insurance conglomerate called the Hanwha Group, whose CEO was a major Alexander Strategy client. Combined, the funds from Hanwha and the drug industry comprised nearly a third of 60 Plus's revenue. And in an August 2001 email, Jack Abramoff directed the Louisiana Coushatta tribe to reissue a $25,000 check made out to DeLay's ARMPAC, and redirect it to 60 Plus. Jimmy Faircloth, a Coushatta attorney, said that the Coushatta had no interest in 60 Plus, but were told that the donation—the largest contribution Abramoff asked them to give to a single recipient—would help them win clout with the congressional leadership.

The fourth group connected with Alexander Strategy was an evangelical nonprofit, America 21. Its financial fortunes were even more closely entangled with the Alexander Strategy-Abramoff network. America 21's president, J. Thomas Smith, had been the lawyer for Buckham's U.S. Family Network, and the secretary-treasurer for the Republican Majority Issues Committee, another DeLay PAC run by Alexander Strategy's Karl Gallant. In 2002, Abramoff directed the Louisiana Coushatta to reissue a $10,000 check made out to yet another DeLay PAC to America 21. That year, America 21, which had raised less than $25,000 in both 2000 and 2001, was also heavily funded by the drug industry. Its 2002 tax return shows that $3.6 million of its $3.7 million revenue came from a single source. Although the donor's name is redacted, the words "pharmaceutical" and "association" can be made out. According to reports in the *National Journal*, Smith has been subpoenaed this year by federal investigators scrutinizing Buckham, the U.S. Family Network, and America 21.

By 2002, PhRMA had become a lynchpin of Alexander Strategy's business. That year, Tony Rudy, DeLay's former deputy chief of staff, joined Alexander Strategy as a partner. Rudy was a tough New Jersey native and a former ice hockey player with a reputation as DeLay's enforcer. While in DeLay's office, Rudy had been Abramoff's stalwart ally, inserting provisions into bills for Abramoff clients in exchange for gifts and approximately $86,000 in payments to a consulting firm run by Rudy's wife. When Rudy left DeLay's office in 2000, his boss saluted him in the *Congressional Record*, noting that Rudy's departure was a "personal loss" to him. But like Buckham, Rudy didn't really leave. He went first to work with Abramoff at the law firm Greenberg Traurig, and maintained contact with his former Hill colleagues, in defiance of federal lobbying laws. Increasingly, he sought to win staffers' allegiance by showering them with gifts, as Abramoff had once done to secure his assistance. When Rudy joined Buckham in 2002, he was at the height of his influence, and he quickly helped to make PhRMA Alexander Strategy's largest client.

Senior moment

At 2.30 a.m. on June 28, 2002, House Republicans pushed through a $350 billion prescription-drug benefit, to be administered by the private sector, on a party-line vote. The Democrat-controlled Senate refused to go along with the plan, attempting unsuccessfully to add a drug benefit to the government-run Medicare program. But the House's efforts were hardly wasted. With the mid-term elections approaching, the GOP House leadership was anxious to neutralize the Democrats' historic advantage on healthcare issues. The House's protracted debate over the drug bill may have not produced much in the way of actual legislation, but it achieved its real goal: to convert Medicare into a Republican weapon in many close races. Because of the McCain-Feingold law, 2002 was the last election year in which national and state parties could raise unlimited, unreported money. It would also be the last election in which corporations could secretly fund nonprofit "issue" ads that could appear right up until election day. With the help of Alexander Strategy, Republican leaders made the most of their last unfettered opportunity to coordinate election activities that would ultimately foster passage of a private-sector-based Medicare drug bill.

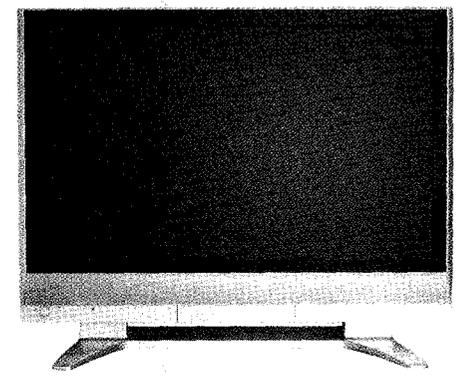
On October 15, 2002, astute voters in the North Carolina mill towns of Kannapolis and Concord may have been surprised to see television ads lambasting Democratic congressional candidate Chris Kouri for profiting from thousands of dollars of drug company stock. Kouri had never purchased such stocks, and the $3,000 worth he had inherited from his father had already been sold. The Republican incumbent, Rep. Robin Hayes (R-N.C.), by contrast, owned $6.8 million in pharma shares.

The ads, which were paid for by the NRCC, jump-started a major campaign against Kouri, in which United Seniors played a critical role. While the GOP attacked Kouri with mailings that labeled him a hypocrite, United Seniors ran a stream of television ads praising Hayes' position on Medicare from Sept 14th until the election. United Seniors spent over $400,000 on television ads in the district—more than the NRCC, and more than Kouri and Democratic Party groups combined. 60 Plus and Seniors Coalition also mailed letters to voters praising Hayes for supporting the House's prescription-drug bill. Kouri was defeated by nine points.

That year one or more of the three seniors groups, as well as America 21, waged television or mailing campaigns in 39 House and Senate contests, many of them competitive races. (More than 90 percent of the mailings and ads contained a pro-Republican or anti-Democratic message, according to the liberal watchdog group Public Citizen). A study of the 2002 election, edited by Brigham Young University professors David Magleby and J. Quin Monson, found that spending by issue advocacy groups outpaced candidate spending in 10 of the 26 races they examined. But even in this melee, United Seniors led the pack, they noted. As the House considered Medicare drug legislation in May and June, United Seniors ran a $4.6 million TV ad campaign supporting the Republican bill. In July, they spent $2 million on ads thanking members who voted for it. In September, they launched a $4 million campaign targeting 20 members, mostly in competitive races, again thanking those who voted for it and urging people to call Congress in support of the Medicare drug plan.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A group of subterranean nonprofits, flush with big pharma cash, bombarded voters with election ads urging them to support the Republican candidate. Asked if these activities affected the outcome of the race, one Democratic candidate said simply: "I lost by only 121 votes."



United Seniors' ads were produced by Sawyer Miller Advertising, which had done many major campaigns for PhRMA. But according to a person involved with the effort, the location of the ads and the strategy of the message were orchestrated by PhRMA's lobbyists—including Buckham and Rudy at Alexander Strategy, and former congressman Bill Paxon, a lobbyist at Akin Gump and longtime DeLay protégé who had once headed the NRCC. Rudy was known to be particularly adept at mobilizing interest groups in the service of a DeLay pet project. "All the outside groups had to deal with Tony when he was with Tom," said a former leader of a major Christian evangelical group. "He knew all the pro-gun, all the pro-life groups. It was part of his job. That's why Jack decided he was worth having."

Meanwhile, two other Alexander Strategy lobbyists, Mike Mihalke and Chris Bertelli, also worked with the seniors groups. The pair were Republican operatives who had fine-tuned their skills in several underhanded campaigns (see "Dynamic Duo," p. 25). Although both Bertelli and Mihalke worked out of the Alexander Strategy office, they created a separate company, Advocacy Technologies, which officially did the work.

Mihalke supervised a mail campaign for the Seniors Coalition in at least 11 competitive districts. The mailing was strikingly similar to letters sent by America 21 and 60 Plus. (In Colorado, all three contained an identical misspelling of a Republican candidate's name). David Breaux, a political science professor at Mississippi State University, analyzed the mailings of the three groups in his state, and concluded in a report that they were so similar it "caused one to wonder if there was any coordination." Neither Mihalke nor Bertelli would say whether Advocacy Technologies produced all three letters (both failed to respond to numerous requests to comment for this article). However, Mac Haddow, a top Seniors Coalition official, acknowledged that the campaign was intended to prevent Democrats from using the Medicare issue against Republicans. The mailings were "prophylactic," he said, "to make sure that we didn't allow this issue to be politicized in the context of election warfare." John Powell, who headed the Seniors Coalition at the time, worked closely with Advocacy Technologies on this effort, and soon afterwards went to work for Alexander Strategy. Since the firm shut its doors this January, Powell has been trying to form his own consulting firm with Mihalke.

Kouri's North Carolina race wasn't the only election in which United Seniors and the other groups helped to tip the scales against a candidate. In a newly created Colorado district, the NRCC waged a vicious campaign against Democrat Mike Feeley, portraying him in mailings as a rabid dog. And they spent almost $2 million dollars on TV ads, more than both candidates combined. Some ads attacked Feeley, a former lobbyist for independent pharmacies which are often at loggerheads with drug companies, for backing "a powerful drug industry group" that wanted to drive up pharmaceutical prices. At the same time, Seniors Coalition, America 21, and 60 Plus inundated seniors with mailings praising his opponent (no groups offset this with support for Feeley). United Seniors didn't participate directly in this race, but it flooded the local airwaves with ads targeted to the Colorado Senate race, supporting the Republican Medicare drug proposal. Asked if all these activities affected the outcome, Feeley told me simply, "I lost by only 121 votes."

One indicator of how the United Seniors' campaign betrayed the fundamental conservative principles that the group professed was its own political action committee. When Jarvis took over United Seniors, he didn't want the PAC, so it remained in the hands of conservatives sympathetic to the organization's original mission. Because the PAC relied on small donations from conservative seniors, it actually reflected their views. Consequently, United Seniors' PAC funded primary and election candidates who opposed a Medicare drug proposal, while Jarvis backed candidates who supported the idea. "Congressmen would call me screaming and say, 'I thought you liked me?'" said Paul Erikson, a longtime conservative political activist who headed the PAC. "And we'd say, 'We do, we gave money to you.' And they'd say, 'Then why are you running ads in my district?'"

The 2002 elections set the stage for the passage of the Medicare drug bill the following year. The large sums poured into competitive races by the seniors' groups served as a warning to lawmakers who had doubts about the leadership's Medicare

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Murder, Inc.

The pharmaceutical industry had hoped, in backing the Medicare drug bill, to crush calls for reimportation of U.S-made drugs from countries where they are priced more cheaply. But in 2003 when an import bill started moving through the House, Alexander Strategy was there to help.

That summer, the conservative Christian community buzzed with talk that the import bill would make an abortion pill called RU-486 as accessible as aspirin. Savvy evangelicals quickly debunked the rumor. "It doesn't even make sense, because RU-486 is not even available in Canada," said a former leader of a major evangelical organization. "I'm sure the source of it is Jack Abramoff. This is the typical lie he tells to fool naïve conservatives."

None of the groups waged a fight against the drug-importation bill—none, that is, except the Traditional Values Coalition, headed by the Rev. Lou Sheldon. Traditional Values has become infamous as Abramoff's favorite "rent-a-church." Sheldon had helped kill an anti-gambling bill that would have harmed eLottery, an Abramoff client. He also collaborated with Rudy, Abramoff and DeLay to promote Puerto Rican statehood for another Abramoff client (claiming that the territory's independence was a "biblical issue").

On drug importation, Sheldon deployed similar creative logic. Absurdly, he contended that abortion pills would become more available because the bill lowered overall drug prices. He bombarded constituents of several staunchly anti-abortion, pro-importation lawmakers with letters, ads, and calls, questioning their representative's commitment to "the sanctity of life." Sheldon's son-in-law, a former DeLay staffer, headed the Christian Seniors Association, which chipped in for newspaper ads urging Congress to "just say No" to imports.

The targeted lawmakers were furious. But Sheldon maintained the pressure by circulating letters on the Hill, erroneously warning that the bill would allow "unscrupulous individuals" to send RU-486 to teenagers in the mail.

But Sheldon's campaign also made a mistake. Instead of hand-delivered letters, emails were sent with traceable Word attachments. Within days, *National Review Online* blew the campaign's cover. One memo was written by PhRMA executives; the other by Tony Rudy. (Rudy had cynically labeled his own memo "Murder, Inc"). Rudy, who worked closely with Abramoff when he tapped Sheldon to help defeat the gambling bill, had obviously watched his mentor closely. Outraged representatives suspended Sheldon's group from the House Values Action Team, a gathering of pro-life lawmakers and organizations.

Despite the combined efforts of PhRMA, Rudy and Sheldon, the import legislation moved to the House floor. At that time, DeLay was struggling to get traction for the Medicare drug bill. In June, it fell one vote short. So the GOP leadership persuaded one lawmaker to change her 'no' vote to a 'yes.' In return, leadership allowed a vote on the import proposal. One month later, the import bill cleared the House, but was later killed in the Senate. Sheldon, discredited by his role in the affair, played no role in the Medicare drug bill's final passage. – *Barbara T. Dreyfuss*

drug proposal. No one wanted this kind of money directed against them in the next election if they opposed the plan. And for some conservatives, the impression of a groundswell of senior support for the proposal offered a useful cover to justify their vote for a bill contrary to their principles. A person involved with one of the seniors' groups' campaigns confirmed this fact: "The strategy was to shore up conservatives," he said. And, of course, the elections delivered Republicans control of the Senate, and in 2003, DeLay ascended from the House whip to the majority leader's post.

Just say yes

By 2003, both the House leadership and the White House were determined to force a Medicare drug bill through Congress in time for the 2004 election. In addition to its political benefits, the bill had the extra advantage of attracting staggering sums from the drug industry to the GOP's campaign coffers. Drug companies were desperate for a privately run program without price controls, in order to mute demands for reimportation of drugs from foreign countries, where they are cheaper. In its effort to defeat the drug import law, PhRMA again called on Alexander Strategy and its allies (see "Murder, Inc.," at left). Meanwhile, DeLay unleashed the full might of his machine to get his must-have measure passed. "The leadership always saw passage of this bill as a political imperative," said a former senior House Republican aide who helped coordinate the effort. "We had our main message point. Democrats had controlled the House for 30 years and couldn't pass a drug benefit, and we did it in 10."

But to grasp this valuable prize, DeLay had to wage an extraordinary battle for his colleagues' votes. House Democrats wouldn't touch the bill, because the program was run by the private sector and didn't allow for bargaining over drug prices. Conservative Republicans were outraged at what they saw as an extravagant government expansion. With Democrats virtually united in opposition, the bill's fate rested with about 30 conservative Republicans. Don Devine, a vice chair of the American Conservative Union who led a coalition of 30 fiscal conservative groups opposed to the bill, called the scenario a "lobbyist's dream." "They needed every Republican vote, coming down to four or five votes," he said. "So they could really target resources."

This was good news for Alexander Strategy. In 2003, PhRMA was the firm's largest client, paying them $720,000. Individual drug companies paid them another $240,000. Overall, drug companies accounted for 15 percent of the firm's

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lobbying income.

But the team at Alexander Strategy was evidently still not satisfied. In 2002, Buckham and Rudy had helped to direct United Seniors' election advocacy as part of their work for PhRMA. However, they didn't actually handle the campaign's nuts and bolts—especially the massive purchase of television and radio ads, which pay handsome commissions. In January 2003, United Seniors dropped its media consultants and agreed to a deal in which it would pay $13 million to Advocacy Technologies (the company run by Alexander Strategy partners Mihalke and Bertelli) to create and place ads.

The Alexander Strategy partners were certainly well-positioned to help United Seniors pinpoint their efforts. As the bill moved through Congress, Rudy and Buckham met frequently with Dave Mohler, PhRMA's chief congressional lobbyist. According to one of Rudy's former colleagues, Mohler was the "person who was driving point on this stuff at PhRMA. He worked closely with Buckham and Rudy and Alexander Strategy... working with the outside groups, targeting members— what members are up and what members are down, who we are targeting and why."

As the end of the session neared, DeLay and his network began planning for a floor vote. Around a dozen lobbyists for hospitals, physicians, drug companies, and business associations met regularly in a cozy room near DeLay's Capitol office, replete with couches and a fireplace. This operation, dubbed the "war room" was run by Susan Hirschmann. Hirschmann had replaced Buckham as DeLay's chief of staff, and left the Hill in 2002 to lobby for a range of corporate heavy-hitters, including drug companies. DeLay and other Republican leaders often stopped by to give the lobbyists a pep talk. Under the direction of Hirschmann, who had gone on a number of Abramoff-sponsored junkets, the group would swap notes on which members of Congress were still undecided on the bill, and debate strategies to change their minds. They discussed who had connections to a lawmaker's district and how those ties could be leveraged to influence him or her. "Susan Hirschmann was the one who made sure that people were actually going and doing it," one participant said.

At this point, United Seniors also swung into high gear, making the most of the intelligence gathered by the Alexander Strategy lobbyists. That year, United Seniors spent more than $23 million on radio and television ads and several hundred thousand dollars on mailings, according to their tax returns. This expenditure accounted for almost their entire annual revenue that year of $26.5 million, almost $25 million of which came from a single donor, according to their tax return. (On the form, the donor's name has been poorly redacted: the first word begins with "P" and a subsequent word starts with "M," suggesting that the source was the Pharmaceutical Research and Manufacturers Association). The United Seniors' campaigns targeted more than 50 House members and 15 senators. While their efforts were overwhelmingly aimed at Republicans, at least 10 Democratic senators were targeted at one point, in a bid to stop them filibustering the bill. Mihalke also ran a radio campaign for Seniors Coalition pressing members of Congress to "deliver" on their pledge to back the Medicare drug bill.

At 3 a.m. on November 22nd, 2003, Speaker Dennis Hastert (R-Ill.) offered the bill for a vote. After the customary 15 minutes, the measure had failed to pass by 15 votes. So, flaunting procedure, Hastert famously held the roll call open while DeLay and his cohorts worked the floor, pressuring lawmakers to change their minds. After an hour, DeLay still needed to twist two more arms. At 5 a.m., President Bush called resistant members from the White House. Fifty minutes later, two Republicans succumbed, and after the longest, most unorthodox roll call in U.S. history, the bill passed just before dawn. When President Bush signed the legislation, he thanked several seniors groups, including United Seniors, Seniors Coalition and 60 Plus, for their "fantastic work."

Without the Alexander Strategy-run lobbying campaign, DeLay's Medicare vote could never have hinged on just two vulnerable lawmakers. And it was the PhRMA-funded seniors' groups who were crucial to softening up the Republican holdouts. Devine, who led the conservative coalition against the bill, said he knows of at least three conservative lawmakers who ended up voting for the bill after telling him that they opposed it, but who were also worried about the incessant barrage of ads, particularly those from United Seniors. "[They were] all people who told me they were going to vote against it but were worried about the ads going on in their districts," he said. "And because the vote was so close, it didn't have to change many votes."

Take your medicine

Almost two years later, in July 2005, when DeLay was still House majority leader, he met about 50 healthcare lobbyists in a basement room in the Capitol. Enrollment was due to start soon for the Medicare drug plan, and DeLay was eager to impress on the lobbyists the importance of signing up seniors. In his view, there was one overwhelming reason to do so: the midterm elections in 2006. "I have a very, very tough race coming up," he said, according to a *Congressional Quarterly* reporter who managed to slip into the private meeting. "And I'm going to be the number one guy signing up seniors in my district ... and seniors are going to be my friends when it's over."

Clearly, things haven't worked out quite as DeLay had intended. Dissatisfaction with the Medicare drug bill is widespread, and DeLay's own political career is over. He has left office under indictment for money laundering in Texas, and recently prosecutors from the Abramoff investigation questioned people about the lucrative work his wife claimed to have done for Buckham. But Congress has balked at enacting a tough lobbying reform bill that would prevent DeLay, Inc.'s worst abuses. "We've heard a lot about inappropriate activity by nonprofit groups connected to Jack Abramoff," noted Sen. Charles Grassley (R-Iowa), who failed this past summer to win support for a measure that would have increased penalties and required more disclosure from overly political nonprofits. "The problem is much bigger than Jack Abramoff. We're seeing more and more charities used in the best interests of lobbyists and special interests, not the public." Although DeLay has gone and Abramoff is bound for jail, the system in which they prospered still stands. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

If Democrats win control of the House, Steny Hoyer will have Tom DeLay's old job. Some things will change. Some won't.

The Establishmentarian

Photography by Sam Kittner

By Zachary Roth

In May, the Milken Family Foundation, a nonprofit education organization, held a reception on Capitol Hill to honor supporters in Congress. Teachers and education administrators from around the country—excited at getting to play at being bigshots for the day—stood drinking warm white wine and talking mainly to the people they had arrived with, waiting for the chance to snap a picture with their elected official of choice. After a while, a foundation executive called the room to some kind of order, and introduced Rep. George Miller (D-Calif.). The avuncular northern-California liberal ambled, cane-assisted, to the small podium, and began to deliver his prepared remarks on education policy. Most of the crowd strained respectfully to listen, but there was noise coming from the adjoining front room as new attendees arrived, and soon people were holding fingers over lips and shushing each other. Miller wrapped up, and was followed by Rep. Tom Price (R-Ga.), a slight, ferrety former orthopedic surgeon, who similarly struggled to command the crowd's attention.

When House Minority Whip Steny Hoyer (D-Md.) was introduced, he was wrapped in a platonic but full-bodied

Zachary Roth is an editor of *The Washington Monthly*.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

embrace with Sen. Blanche Lincoln (D-Ark.). "I'll be right with you," Hoyer called from the depths of Lincoln's neck. The senator, who looks like a soccer mom, is neither attractive nor unattractive enough for this to have been awkward, and the crowd roared with delight. As Hoyer strode to the podium, he passed House Majority Leader John Boehner (R-Ohio), a politician with a reputation for schmoozing perhaps equal to Hoyer's own, and the two literally slapped each other on the back simultaneously. "Do you have the votes?" Hoyer asked Boehner, a propos, it seemed, of nothing except a shared love of the legislative process. Once in front of the microphone, Hoyer milked the Lincoln moment a little longer ("I've got enough time to be hugging beautiful women from the United States Senate,") then got down to business: "There are no more important people in American society than its teachers," he declared slowly and firmly, and, for the first time, the crowd burst into spontaneous applause. They had come to Washington to see a show like this.

If Hoyer, 67, appears to have an extra spring in his step lately, there's a good reason. As the number-two Democrat in the House, he'll likely become majority leader if Democrats win control this November. And if they don't, he'll be well placed to capitalize on Democratic disappointment by challenging Minority Leader Nancy Pelosi for her job. Either way, then, Hoyer seems assured of entering 2007 as one of the most powerful elected officials in Washington, yet one of the least known outside of it.

As the Milken performance suggested, Hoyer can often seem almost a caricature of an old-school politician. A large, broad-shouldered man with a shock of silver hair, he favors well-tailored though not ostentatious suits, and the American-flag lapel-pin that since 9/11 has become de rigeur for elected officials and Fox News commentators everywhere. Hoyer's wife died of stomach cancer in 1997, and the reception room of his office displays a framed version of the slightly sad photograph favored by virtually every unmarried member of Congress: Hoyer, grinning gamely, with his dog. "If you had to go to Hollywood and cast a politician, you'd pick Steny," a Hill staffer once told a reporter.

Like a lot of politicians, Hoyer uses humor both as an icebreaker and as a kind of weapon. "So you're doing an exposé on me?" he asked when we met at the reception, then winked and hit me in the chest, in a way that seemed intended to be playful. (I noticed him wink twice more, at two other people, over the 15 minutes that followed.) Later, as I sat down to interview him at his office in the Capitol, I asked if I could use a digital recorder. Sure, Hoyer replied, then told me, deadpan, that the room contained a machine that would erase the recording anyway.

Since entering Congress in 1981, Hoyer has forged an identity as a centrist, particularly on foreign-policy issues, that has helped make him the leadership's unofficial liaison to the Blue Dog Democrats—a group of the caucus's more conservative members—but has at times created tension with the more liberal Pelosi. On the day last December that she publicly backed a call from Rep. John Murtha (D-Penn.) for withdrawal from Iraq, Hoyer released a statement declaring that such a policy "could lead to disaster." And earlier that year, he angered the leader by supporting a bill being pushed by the credit-card industry designed to make it harder for people to declare bankruptcy.

This conservatism has not won him friends among liberal bloggers—who argue that Democrats should have the courage of their convictions on basic issues of war and peace and economic fairness. But if Democrats do indeed retake power next year, keeping the party united will be crucial to many of the tasks that they'll confront—from working to fix disastrous Republican legislation to conducting the vigorous oversight of the Bush administration that has been all but nonexistent over the last six years. Because many of the House's more conservative Democrats—not to mention its Republicans—simply trust Hoyer more than they do Pelosi, he stands to play a crucial role in holding the often fractious party together, and in working with the GOP, where possible, to pass legislation and hold the president accountable.

It's less Hoyer's centrism that may cause problems for Democrats, and more what might be called his establishmentarianism. As the studied bonhomie of his public style suggests, he is in many ways a throwback to an earlier style of politician. He's been politically active since the early 1960s, and his initial rise owed much to his mastery of the clubby machine politics that dominated his home county, and much of the Democratic Party, through the end of that decade. In the 1970s, as that system yielded to one dominated by interest groups and grassroots activists, he adapted, building rock-solid relationships with all the major Democratic constituencies—the labor, civil-rights, environmental, and women's movements. And throughout his career, he has earned a reputation for maintaining good relations with as many players as possible. "Mr. Hoyer's policy is that you've got to listen to all sides. Never close the door to anyone whether you agree with them or disagree with them," says Bill Cable, his chief of staff. When I asked friends and former staffers which issues Hoyer seemed to feel most passionately about, most spoke instead about his political skills. "He cares more about process than issues, per se," says John Moag, who worked for him in both the Maryland state Senate and the U.S. Congress. "Good process ultimately produces good policy. This is a guy who's been compromising his whole life because he knows that's how it gets done."

In some ways, a leader with a healthy respect for Congress's traditional procedures would be a breath of fresh air after the last decade, in which Reps Newt Gingrich (R-Ga.) and Tom DeLay (R-Texas) rode roughshod over almost a century of established legislative norms. But the flip side of Hoyer's obsession with process and old-fashioned relationship building is a reluctance to think strategically about changing the ways that Washington operates—even when doing so would benefit Democrats. Over the last year and a half, Hoyer—a protégé of Tony Coelho, the former California congressman who revolutionized Democratic fundraising in the 1980s—has led an aggressive effort to raise money from K Street lobbyists. Even more important, he has seemed unwilling to fundamentally rethink the unhealthy relationship between lobbyists and legislators that currently drives our political system. If Democrats are not only to regain power, but to maintain it

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and govern in a fairer and more responsive fashion, they'll need to unite behind root-and-branch reform. But the evidence suggests that Hoyer lacks the political vision, and the will, to do so.

The player

Hoyer was born in New York City in 1939, and lived there until he was nine. His stepfather was in the Air Force, and, after a stint in Florida, was transferred in 1955 to Andrews Air Force base in Maryland. The family settled in suburban Suitland, about eight miles southeast of Washington D.C.—and Hoyer has been an inside- (or just outside-) the-Beltway creature ever since.

Hoyer first caught the political bug as a sophomore at the University of Maryland, when John Kennedy, campaigning for president, showed up on campus in a Pontiac Bonneville convertible. Impressed by the senator's panache, Hoyer switched his major from public relations to politics, went to Georgetown Law, and threw himself into his local Prince George's County Democratic association. He also began interning for Sen. Daniel Brewster (D-Md.), where he worked alongside a young Nancy D'Alesandro, later Nancy Pelosi. Hoyer says he spent much of his law-school time "politicking," and, months after graduating in 1966, he was elected to the Maryland state Senate from Prince George's County. He was 27.

Once in office, Hoyer used his personal and political skills to quickly amass power. Over the following decade, he patiently developed relationships with his Senate colleagues, and with leading political figures in his district. With his friend and ally Peter O'Malley, Hoyer built a political machine that came to dominate Prince George's County. Through an agreement with Gov. Marvin Mandel, Hoyer's operation was able to select appointees for state positions like judgeships, and could effectively pick Democratic candidates for countywide races. In 1974, with the backing of his organization, Hoyer, aged 35, was elected the youngest-ever president of the state Senate. Hoyer's absorption in state and local politics was so total during this period of his life that, while giving a speech as a member of Congress almost 15 years later, he referred to Nelson Mandela as "Marvin Mandela"—an unconscious reference to the man who had stepped down as Maryland's governor in 1979.

Most successful politicians, of course, have their early setback story. Hoyer's came in 1978, when he quit the Senate to run for lieutenant governor, but was upset in the Democratic primary. For two and a half years, he was out of politics, working as a lawyer, and depressed, waiting for a chance to get back in the game. In October 1980, that chance came when Rep. Gladys Spellman (D-Md.), the popular U.S. Congresswoman from Prince George's County, suffered a heart attack while campaigning and fell into a coma, necessitating a special Democratic primary and general election to replace her (she would remain comatose until her death in 1988). Hoyer's strong ties to local political figures helped him defeat 31 opponents, including Spellman's husband, for the nomination.

In the general election, Hoyer received strong support from the Democratic Congressional Campaign Committee (DCCC), whose new chairman, Rep. Tony Coelho (D-Calif.), became intensely involved in the race—fostering a valuable long-term alliance between the two. Even during this first congressional campaign, Hoyer's relentlessly ingratiating manner was apparent: A *New York Times* reporter covering the race likened him to "a polished, neatly dressed assistant manager of a fine hotel." Helped by the demographics of the district, unease over President Reagan's plan to cut Social Security benefits, and his strong backing from local labor unions, Hoyer prevailed with 55 percent of the vote.

Still, some local political powerbrokers had mixed feelings about Hoyer's ascension to Congress, fearing that it would allow him to once again dominate county politics. During the campaign, a group of prominent county Democrats had endorsed Hoyer, but made it clear that, if elected, he was not to meddle in Prince George's political affairs. A decade later, a local delegate to the statehouse told a reporter: "When he won [election to Congress], people thought there would be a return to the days when you didn't go to the bathroom until you checked with him. Then he figured out he could be Speaker of the House of the U.S. Congress if he stopped being concerned about who every liquor inspector was in Prince George's County."

Speaker of the House might have to wait, but there was no doubt that Hoyer's special election win had got him noticed as an up-and-comer. He received a congratulatory call from Walter Mondale, and a bear hug from Speaker Tip O'Neill (D-Mass.). His rapid ascent was aided immeasurably by his friendship with Coelho. The heretofore little-known DCCC chair was at that time launching an aggressive effort to reshape the party's fundraising apparatus by targeting business and lobbying interests, and, in so doing, position himself as a power player. Coelho invited Hoyer to participate in an operation designed to get members involved in fundraising and other efforts to help elect Democrats. He also convinced O'Neill to select Hoyer as the only freshman included in the Democratic response to Reagan's 1982 State of the Union address. The following year, Hoyer, despite having been in the House less than two years, won a coveted spot on the Appropriations committee, which allowed him to steer federal projects to his suburban Washington district.

In 1989, Coelho was forced to resign his seat amid questions over a junk bond purchase. But Hoyer turned what could have been a setback into an opportunity, taking advantage of the turmoil in House Democratic circles to win the job of caucus chair, which gave him a platform to help shape party policy in the House, and to further develop relationships with colleagues. He also took over Coelho's stewardship of disability legislation (Hoyer's wife and Coelho were both epileptics). In a display of legislative skill praised even by his opponents, Hoyer negotiated a compromise with the bill's Republican foes, and in 1990 won passage of the landmark Americans with Disabilities Act.

A year later, the whip's job opened up, when Rep. William Gray (D-Penn.) resigned. Hoyer quickly announced his intention to challenge the more senior Rep. David Bonior (D-Mich.) for the position, and attracted support among some younger and more centrist Democrats. But there was some-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

thing in Hoyer's swift rise and poorly concealed ambition that rubbed some members the wrong way. A Bonior supporter likened him to "the rush chairman of a second-rate fraternity." It was an image that Hoyer was never quite able to shake, and he lost the race by 160 votes to 109.

Hoyer spent much of the next few years tending to his district. After Maryland redistricted in the early 1990s, he was forced to give up his safe seat in Prince George's County and move to a more rural area of the state, with a higher percentage of registered Republicans. Hoyer responded by donning cowboy boots, emphasizing his more conservative positions, and using his seat on the Appropriations committee to prevent the closure of a major naval base, and to help deliver other federal programs to his district. He has been re-elected with increasingly large margins since.

One Democrat once likened Hoyer to "the rush chairman of a second-rate fraternity."

Even once Democrats were in the minority in 1995, Hoyer used his cordial relations with Republican committee chairs to maintain a position of influence. And though he had been forced by term limits to resign his caucus chair position, his close relationship with the Democratic leader, Rep. Dick Gephardt (D-Mo.), allowed him, unlike most other Democrats, to keep key assignments on two Appropriations sub-committees. Gephardt also kept Hoyer in the leadership mix, naming him the House Democrats' chief liaison to the White House, Senate and DNC.

Still, Hoyer yearned to move into the ranks of genuine leadership, and for a few years he could only bide his time, help elect Democrats, and work slowly to build his support in the caucus. After Democrats gained seats in the 1998 midterms, the party began to talk openly about winning back the House in 2000. If that happened, it was assumed that Gephardt and Bonior would become, respectively, speaker and majority leader, opening up the whip's job again. Soon, Hoyer and Nancy Pelosi were embroiled in a delicate campaign—at first quiet, then gradually more public—for the position. Hoyer's camp cast him as a moderate who would be more able to bridge divisions in the caucus. Though the two were seen salsa dancing together at a party retreat in early 2000, by November they were open rivals.

Democrats, of course, didn't retake the House in 2000. But in September 2001, Bonior announced his intention to resign, and the Hoyer-Pelosi contest, temporarily suspended, started up again in earnest. Now, with the prize no longer hypothetical, almost no holds were barred. Rep. Ellen Tauscher (D-Calif.) complained that Pelosi supporters in the California state legislature had threatened to redraw her congressional district as retribution for backing Hoyer. When the votes were counted in November 2001, Pelosi's liberal bona fides, her overwhelming support among the California delegation, and her prodigious fundraising ability among wealthy West Coast donors were enough to secure victory.

And yet, as he had done his whole political career, Hoyer kept running. He knew that the job was likely to open up once again the following year, since Gephardt would probably resign to run for president if Democrats again failed to win the House. Hoyer formed an informal kitchen cabinet of Coelho, Donna Brazile, Mark Mellman, and other key Democratic operatives, and moved aggressively to head off potential challengers, calling members soon after many of them had voted for Pelosi to ask for their support in a future whip race. Many agreed. When Gephardt did indeed step down in November 2002 to run for president, and was replaced as minority leader by Pelosi, Hoyer was unanimously elected whip. He had arrived, for now.

'I think Nancy and I like one another'

The job that Hoyer is likely to assume in a Democratic-run House is currently at perhaps the historical zenith of its power. For most of the 20th century, House leaders were in many ways subordinate to the powerful, veteran committee chairs who controlled the flow of legislation and ran the oversight process. On the Democratic side, that system began breaking down in the 1970s, when the growing homogenization of the party increased the level of trust that party leaders enjoyed from their caucus, allowing them to assume more authority over legislative priorities and committee assignments. After 1995, Republicans, led by Gingrich, adopted an even more top-down governing model, ending the seniority system by which committee chairmanships had been handed out, and pressuring members to vote with the leadership on virtually every bill. That in turn has forced the House Democratic leadership, in opposition, to adopt a more disciplined, parliamentary approach designed to hold the caucus together. And Democratic leaders have already begun signaling that, should they win in November, they may ape many of the GOP's efforts to centralize power, including ending the seniority system.

This shift has also had the effect of increasing the power of the majority leader, relative to that of the speaker. The majority leader traditionally serves as the floor manager and floor spokesman for the party, meaning that, along with the party whips, he has a more direct role in enforcing party discipline and in moving legislation through the House than does the speaker—whose job has generally been to serve as an institutional figurehead for the House, and public spokesman for the party. A governing style that emphasizes party discipline, then, necessarily places more weight on the majority leader than on the speaker. In addition, the powers of the office were further

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

expanded by DeLay, who served as majority leader from 2003 until last year, and whose hard-nosed political style and willingness to exact retribution on those who defied him helped make him unquestionably the most powerful figure in Congress.

The result is that, should Hoyer ascend to the majority leadership next year, he would wield more power than perhaps any previous Democratic holder of the office has ever enjoyed. The makeup of the Democratic leadership team—with the more centrist, conciliatory Hoyer serving as majority leader under the more liberal Pelosi—represents a departure from the last eight years of GOP rule, in which the majority leader, first Rep. Dick Armey (R-Texas) and then DeLay, was far more overtly partisan, and more ideologically conservative, than Speaker Dennis Hastert (R-Ill.). The arrangement echoes, in some ways, the period from 1977 to 1987, when the moderate Rep. Jim Wright (D-Texas) served as majority leader under the old-school Massachusetts liberal O'Neill. But Wright won the post over Rep. Phil Burton (D-Calif.)—whose relationship with O'Neill was famously poor—in part by pledging to remain loyal to the speaker, and rarely allowed his moderate ideological instincts to stand in the way of his ability to fit into a more liberal leadership team.

Hoyer, too, has pledged his loyalty to Pelosi, but his more centrist identity, his communications skills, and his obvious ambition have created a sense within the caucus that he represents the logical alternative to her sometimes artless leadership style. In December 2003, according to the columnist Bob Novak, as Pelosi was wrapping up a characteristically long-winded speech, a liberal member whispered to Hoyer, "Steny, is it not time for a coup?"

It was not time, and by and large Hoyer has played the loyal soldier since becoming whip. Most Democrats agree he deserves some of the credit for the dramatically increased Democratic unity on display over the last year and a half, in part because of the changes he instituted to the whipping operation, including permanently assigning deputy whips to "cover" specific members of the caucus. During the Social Security fight last year, Pelosi and Hoyer, working together, succeeded in convincing almost every Democrat to avoid offering an alternative plan of his or her own, preventing the White House from shifting attention away from the unpopularity of its own approach, and ultimately dooming the president's initiative. But even here, there was a hint that Hoyer's constant desire to avoid alienating allies threatened to undo the Democrats' hard-won unity: When Rep. Robert Wexler (D-Fla.) floated a tentative proposal of his own, aides to Pelosi denounced it as a tactical blunder, but Hoyer called it "useful."

This fundamental difference in political tactics, style, and ideology burst more fully into the open late last year over Iraq. Hoyer has always advocated a more hawkish approach to national security than many Democrats. In 1985, he broke with his party to support funding for Reagan's MX missile, and in the 1990s pressured President Clinton to lift the arms embargo against Bosnian Muslims, and to intervene more aggressively in the Balkans. Unlike Pelosi, he voted to authorize Bush to invade Iraq. Then, last November, after Rep. John Murtha (D-Penn.)—a longtime Pelosi ally who had run her whip campaign in 2000—called for an immediate withdrawal, Hoyer and Rep. Rahm Emanuel (D-Ill.) urged Pelosi not to join Murtha, arguing that doing so would hurt Democrats politically. The leader's camp reacted angrily. George Miller, Pelosi's best friend in Congress, accused Hoyer of trying to undermine her. Murtha ordered Rep. Joe Crowley (D-N.Y.), a close Hoyer ally, "tell your friend Hoyer" to stop stirring up trouble, then gave a speech in which he defended his call for withdrawal, saying he was more concerned with saving lives than with playing politics, and "looking right at Hoyer," according to a Democratic aide quoted in *The Hill*. Pelosi did ultimately back Murtha, but Hoyer, voicing the concerns of more conservative Democrats, prevailed on her to allow members to come up with their own positions on the issue. And on the day that Pelosi announced her support for withdrawal, Hoyer released a statement of his own, declaring that "a precipitous withdrawal of American forces in Iraq could lead to disaster, spawning a civil war, fostering a haven for terrorists and damaging our nation's security and credibility." (Since then, Democrats have managed to agree on a position that calls for 2006 to be a year of "significant transition" in Iraq.)

When I asked Hoyer about his split with Pelosi on Iraq, he first pointed out that when she was whip, she had publicly differed on the subject with Gephardt, the minority leader at the time. Then, unbidden, he brought up the wider issue of his relationship with Pelosi. "We are a team," he told me. "She's the leader. I'm supportive of the leader. The bloggers want to create some sort of tension between Nancy and I (sic). I understand all that, but the reality is, I think Nancy and I like one another. But even if we didn't like one another, we're both smart politicians. If we're going to be successful, it's going to be because we're a team. And we are a team." He seemed to want to get at something that was bothering him. "Is there tension between the leader and the whip? Yes, there always is … simply because you have different perspectives. And you've got to work it out. But there aren't any problems that we can't solve, and aren't solving."

As Hoyer points out, discord between the leader and the whip is nothing new, and previous leadership teams have overcome it to work together effectively. But Hoyer's April 2005 vote for the bankruptcy bill suggests a more fundamental problem. The legislation, a long-held priority of the credit-card industry, makes it more difficult for those in debt to get a fresh start by filing for bankruptcy. Pelosi at one point warned that the bill would turn hardworking Americans into "modern-day indentured servants," and many Democrats saw the vote as a defining issue of economic justice, hoping to use it to draw a sharp contrast with Republicans and bolster their party's appeal to working- and middle-class voters. That task was made all but impossible when Hoyer—who has received sizable contributions from the banking industry—and 72 other Democrats voted for the bill. At a whips' meeting soon after, a furious Pelosi accused the bill's Democratic supporters of selling out to special interests, while Hoyer defended them—and himself.

Hoyer noted to me that he had voted for the bill when it had come up several times in previous years, and said his decision was based on a belief in personal responsibility. "The

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

argument that bankruptcies were becoming simply a way to excuse irresponsible behavior had validity to it," he told me. "I believe that personal responsibility expectations are very important. No Child Left Behind, the accountability of students and teachers and parents and administrators to provide taxpayers their value ... The core value of personal responsibility is what I felt was manifested in the bankruptcy bill." But Elizabeth Warren, an expert on bankruptcy at Harvard Law School, points out that 90 percent of families who file for bankruptcy do so after a job loss, a serious medical problem, a divorce, or a death. "What was the personal responsibility that they were missing?" Warren asks. "Was it that when Dad had chest pains and fell to the ground, he went to the emergency room rather than saying, 'I don't think I'll be able to pay for it'? ... Was it that when Mom got laid off from her job, she didn't just hand over her keys to the landlord and move into a cardboard box on the street with her two children?" Warren, who was active in opposing the bill, says she spoke to members of Congress who, for months before the vote, were getting two or three personal visits a day from banking-industry lobbyists. "There were a lot of folks who succumbed to that," she says.

Hoyer's decision to side with the banking industry over penniless Americans was made less defensible by his virtually impregnable political position. Some of the bill's Democratic supporters represent marginal districts, where acquiring a reputation as anti-business could put them in electoral danger. But Hoyer was re-elected in 2004 with almost 70 percent of the vote. That leaves only two plausible explanations for his decision: Either he favored the bill on the merits—which suggests a fundamental disharmony with his party's core values—or he was doing a favor for corporate lobbyists. Or maybe both.

K Street crusade

Whatever the motivation for Hoyer's vote, there is no doubt he has worked hard to curry favor on K Street. Over the last year and a half, he has ramped up an effort—begun soon after taking over the whip's job—to raise money for Democrats from Washington business lobbyists. Starting in late 2004, Hoyer and three close allies—Reps. Crowley, Tauscher, and John Tanner (D-Tenn.)—launched an energetic K-Street-outreach program, with a goal of raising $250,000 for vulnerable Democratic incumbents by June 2006. Later, they would switch the focus to raising money for promising Democratic challengers, increasingly basing their pitch on the growing likelihood that Democrats would retake the House this fall, and thus be in a position to pass legislation. Hoyer's particular political gifts—his persuasiveness, his talent for negotiation, and his willingness to see all sides of an issue—appear to have made him well suited to the task. "We find mutual interests, mutual ways to help each other," says Cable, the chief of staff.

But the outreach has at times complicated Democrats' efforts to capitalize on the slew of Republican influence-buying scandals—from Abramoff to DeLay to Cunningham to Safavian to Ney—that has come to light over the last year and a half. After Hoyer's office posted on its website a news story describing the fundraising project, Republicans were quick to call Hoyer a hypocrite for attacking the GOP over Abramoff while at the same time touting his relationships with lobbyists. Hoyer's staff quickly took the story down.

To be sure, Pelosi has not shied away from reaching out to K Street either. And to remain financially competitive with Republicans under Washington's existing campaign-finance rules, Democrats probably can't afford to turn up their noses at an entire sector of contributors. More problematic than the fundraising program has been Hoyer's stance on lobbying reform, in which he has consistently stood in the way of Democratic efforts to unite behind a far-reaching approach. Hoyer's opposition to reform appears to be of long standing, and well known on both sides of the aisle. Back in October 1994, Congress had been considering a lobbying reform bill that many lawmakers privately considered too restrictive. According to *Roll Call*, DeLay and Hoyer were walking down the Capitol steps shortly before leaving for the October recess in advance of the midterms that would bring the GOP to power, when the Texan "cupped his hands around his mouth and chuckled to Hoyer, 'But lobbying reform is dead!'" DeLay, it seems, understood even then that he and Hoyer were of one mind on the issue.

Not much has changed in the intervening 12 years. When lobbying reform resurfaced as an issue in Washington last year in the wake of the Abramoff scandal, congressional Democrats at first seized on it. They knew that Republicans, responding to the need to appear to be doing something, would put out a watered-down "reform" proposal that would do little to curb the outsized influence business lobbyists currently enjoy. By rallying around a far tougher platform of their own, Democrats hoped to burnish their party's image with voters as an honest, responsive alternative to the GOP's fealty to corporate interests. Emanuel, the DCCC chair, announced that he intended to make the issues raised by the Abramoff scandal the centerpiece of the Democratic effort to retake the House, and Pelosi struck a similar note.

But the Democrats' hoped-for unity did not materialize, thanks in part to Hoyer. In the summer of 2005, Pelosi and a host of other Democrats co-sponsored a bill introduced by Emanuel and Rep. Marty Meehan (D-Mass.) that would have prohibited lobbyists from paying for members' non-campaign-related travel, required members to disclose all congressional trips, and increased penalties for violations of lobbying disclosure laws, among other steps. But Hoyer announced that he preferred an approach that addressed misconduct by individual members, rather than cracking down on the activities of lobbyists—and pointedly did not co-sponsor the measure (though he did endorse it). Ultimately, Hoyer did come around to supporting another strong proposal that Pelosi announced in January 2006, but even here, his heart didn't seem to be in it: He was the only Democrat in a leadership position in either chamber to miss the package's press rollout event. And that same week he was still expressing a reluctance to crack down. "It is not the rules that are the issue, it's the character of the players," he told *Bloomberg News*.

More broadly, Democrats have not made lobbying reform or congressional ethics central to their national message for the upcoming midterms, as Pelosi and Emanuel had indicated they would. There are several reasons for this: For one thing, most

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the evidence suggests that voters care far more about Iraq and gas prices. But some Democratic insiders say another factor has been the unwillingness of certain members of the caucus to risk losing some of the perks of office, or to offend their corporate backers, by taking a strong stand in favor of reform. That position was no doubt strengthened by the presence in leadership of a politician with a record of publicly touting his close ties to K Street, and a stated reluctance to seriously tighten lobbying rules.

Changing the game

Hoyer's heresies, while helping him win the support of the more conservative members of the House Democratic caucus, have put him at odds with the new, more hard-nosed, less conciliatory version of the party that has been in evidence over the last year and a half. In June, Murtha launched a campaign to challenge Hoyer for majority leader should Democrats win in November. Responding to the concerns of senior Democrats that a leadership challenge would threaten the party's hard-won unity, the Pennsylvanian quickly suspended the effort until after the midterms, but did not call it off. (Most observers still give Hoyer a clear edge if a race occurs.)

Hoyer has also emerged, not surprisingly, as a *bete noire* of the liberal blogosphere. In response to the bankruptcy bill vote, Atrios asked readers to call Hoyer and tell him to resign. After Hoyer broke with Pelosi on Iraq, the Democratic activist David Sirota, writing on *The Huffington Post*, lambasted "Hoyer's Campaign to Undermine Dems and Topple Pelosi." And in April, the comedian Steven Colbert won plaudits from liberal commentators and bloggers for his merciless skewering of President Bush at the White House Correspondents Dinner, but Hoyer called the performance "in bad taste"—a judgment that earned him this denunciation from Markos Moulitsas of the Daily Kos: "We need a Joe Lieberman of 2008, an entrenched do-nothing Dem desperately in need of a good primary challenger. Good to see Hoyer auditioning for the part."

Hoyer is no Lieberman. For one thing, his Democratic bona fides are unquestioned: As his busy travel and fundraising schedule over the last few months suggests, he's intensely committed to the goal of victory in November. And he seems to relish feeding the latest hard-hitting Democratic talking point to the press. "Hoyer says, 'Republicans in pocket of administration.' That's a good quote," he recently told a roomful of reporters, grinning.

More broadly, a leadership team in which both the liberal and centrist wings of the caucus are represented undoubtedly has its advantages. First, when it comes to what is perhaps the Democrats' most important job over the next two years—conducting vigorous oversight of the Bush administration—Hoyer appears well placed to help ensure that the effort is bold and far-reaching, without devolving into anything the media could portray as a partisan witch-hunt. In addition, achieving many of the party's domestic priorities—a minimum-wage hike, and repeal of some of the Bush tax cuts—will require the support, or at least the relative neutrality, of business groups and economic interests that Hoyer has cultivated over the years. And Hoyer's moderate demeanor, smooth communication skills, and relatively conservative home district may make him a more effective public face for the party than Pelosi, whom Republicans have had some success demonizing as a strident San Francisco liberal.

But there are also reasons why Hoyer may not be the right leadership candidate for the current political moment. For one thing, Democrats need to draw sharp distinctions with Republicans over bread-and-butter economic issues. Hoyer's support for the bankruptcy bill—a priority for many of his major contributors, but to many Democrats a litmus-test issue of basic economic fairness—suggests he might have trouble convincingly making the case that Democrats represent a genuine alternative to the GOP's corporate-friendly domestic policies. After a five-year recovery in which wages haven't kept pace with inflation and economic insecurity has increased for many middle- and working-class Americans, Democrats can't afford to sell out on key components of their economic platform.

Hoyer's energetic wooing of Washington's lobbying community is even more problematic. Democratic leaders from FDR to Lyndon Johnson to Bill Clinton have always had cozy relationships with corporate interests—including accepting their campaign cash—understanding that getting and keeping power, and governing wisely, require tradeoffs. Insisting that today's leaders renounce all K Street money, or never meet with lobbyists at all, may be an unrealistic standard that would handicap Democratic efforts to gain power in the first place. But the spate of recent lobbying scandals revealed a system in which corporate interests enjoy an unprecedented degree of control over the legislative process. Indeed, the influence of corporate money on legislation is the single biggest obstacle to achieving a broad array of progressive policy goals—from universal health care, to a fairer tax code, to curbing global warming.

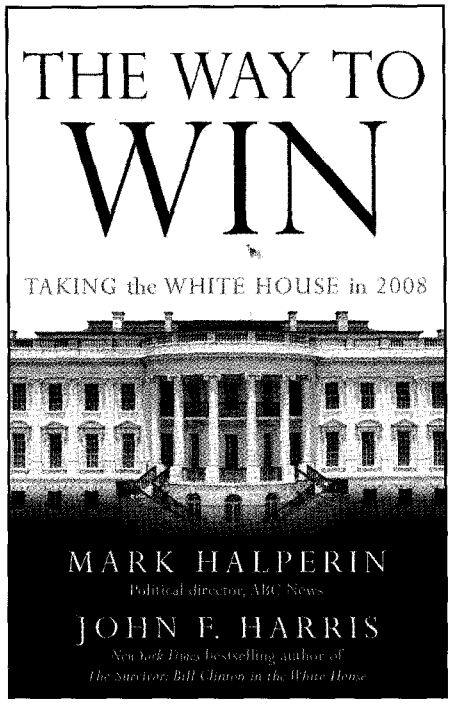
That's why Democrats need leaders who are willing to play aggressively by the current rules of the game—but who seek to change those rules once in power. The enthusiasm with which Hoyer has raised money from K Street, his resistance to serious lobbying reform, and his general comfort with the Washington establishment all imply a politician with little interest in systemic change. Indeed, Hoyer's contention that the problem lies not with lobbying practices as a whole, but rather with individual corrupt members of Congress, suggests he genuinely sees little need for such change.

In this sense, Hoyer, who styles himself the ultimate political realist, is missing a larger political reality: Because of fundamental differences in ideology, it will always be easier for Republicans than Democrats to create the kind of money-for-access-based governing machine that DeLay et al. perfected over the last decade. Genuinely restricting the lobbyist-legislator relationship would inconvenience members of both parties, but it would utterly destroy the model that has become the basis of Republican governance. And since politics—at least in a two-party system—is a zero-sum game, that can only work to Democrats' advantage. A leader with the courage and independence to envision a fundamentally fairer and more honest Washington would be practicing not just good policy, but good politics, too. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Last Woman Standing

Would presidential candidate Hillary Clinton be destroyed by today's vicious media, or is she the only Democrat who can survive it?



The Way to Win
By Mark Halperin and John F. Harris
$26.95, Random House

By Noam Scheiber

There's a bait and switch going on at the beginning of *The Way to Win*, the recent collaboration between ABC political director Mark Halperin and *The Washington Post's* John Harris. The authors say they plan to share the lessons of the two sharpest political minds of this generation: Karl Rove and Bill Clinton. Only Rove and Clinton, they argue, have mastered presidential campaigning in the age of the Freak Show, by which they mean the era of hyper-personal, hyper-partisan, scandal-obsessed politics ushered in by New Media.

And, to be fair, *The Way to Win* dispenses no shortage of lessons—if anything, the book offers too many of them. But don't be fooled. Much as Halperin and Harris want you to believe it, this is not an innocent how-to kit for Freak-Show-era presidential aspirants. It's an argument for why Hillary Clinton should be the Democrats' nominee in 2008.

Better yet, it's a remarkably fresh argument for why Hillary should be the party's nominee. To date, the most damning knock against Hillary has to do with electability: Democratic partisans love her (naysaying bloggers notwithstanding), but they fret that she carries too much baggage to win a general election. Halperin and Harris disagree. They suggest Hillary would be the Democrats' most formidable candidate precisely because she's the most electable.

It all depends on your definition of "electable," of course. The traditional notion of electability holds that there's something about a candidate's biography or worldview that makes her more or less capable of winning over the swing voters who decide elections. John Kerry qualified as electable under this standard because of his war-hero résumé and his relatively moderate Senate record. Hillary fails the test because of her starring role in the Clinton-era scandals, not to mention the biggest policy fiasco of the 1990s.

But Halperin and Harris believe there's no such a thing as an objectively electable candidate. You're only as electable as you look once you've been chewed up and spat out by the bloggers, cable-TV babblers, and talk-radio jocks who populate the Freak Show. John Kerry learned this midway through his now-notorious swift-boating. Al Gore learned it after he'd been tagged by the media as a serial embellisher (with a huge assist from the Bush campaign). The most electable candidate, it turns out, is simply the candidate best able to tame the Freak Show. It's a depressingly post-modern view of politics. But the history of the last few presidential campaigns indicates there's something to it.

Hillary emerges as such a formidable candidate in this context because she's the only Democrat who's absorbed the Freak-Show-defying lessons of Bill Clinton and Karl Rove. According to Halperin and Harris, it was Bill's success at taming the Freak Show that helped him bounce back from the failure of his

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

first two years in office, when he suffered from the debilitating perception that he was both weak and wrong. The way Clinton reclaimed his image was to project strength and dignity at every turn—out went the self-deprecating jokes, the casual banter with reporters; in was a more authoritative, more distant, more presidential style. Clinton also convinced voters he shared their values (i.e., that he was right) using small-bore policy initiatives like V-chips and school uniforms. (The authors have much less to say about the 1992 campaign, which they classify as mostly pre-Freak Show.)

No one who follows Hillary's career could miss the traces of these lessons in her senatorial style, from her scrupulously dignified bearing to her vote for an anti-flag-burning amendment. But, of course, Hillary had a front row seat to the failings of the early Clinton years. It's hardly surprising that she would have learned from that experience. More surprising is the ease with which she appears to have assimilated the secrets of Rove's success.

The Way to Win devotes several chapters to the mechanics of Rove's victories. Suffice it to say, they yield much more in the way of lessons than I could possibly list here—from the utterly banal ("know a lot of people," "be first in adapting new technology") to the counter-intuitive (in this age of hyper-specialization, a first-rate campaign strategist must be a generalist, not a specialist). But there are four Rovian insights that seem critical to any presidential candidate intent on surviving the Freak Show: First, the national press is not your friend; stiff-arm it at every opportunity. Second, always maintain a united front; do not, under any circumstances, air your team's dirty laundry in public. Third, use control of your party and other partisan organizations to define your opponents early on, without leaving fingerprints. Fourth, respond to any attacks on your character swiftly and mercilessly.

Any national reporter who's covered Sen. Clinton knows she's a diligent practitioner of rules one and two. (Stultifyingly diligent, in fact.) Halperin and Harris also catalogue how carefully Team Hillary has hewed to rules three and four. In 2003, for example, one of the consulting firms in Hillary's orbit became a paid adviser to the New York Democratic Party. Thereafter, any time a New York Republican so much as mused about a possible Senate challenge, the state party would bloody them with endless press releases and well-timed leaks of opposition research. As for lesson four, it's safe to say Ed Klein became the poster child for it when he released *The Truth About Hillary* in June of 2005. The response from Hillary-land was to attack Klein's credibility by seizing on the book's factual errors and its handful of outrageous charges (like Hillary's purported lesbianism). Having undermined the book, they then used Klein to discredit the entire anti-Hillary genre, much like Rove et. al. used a flawed CBS report to suppress subsequent questions about Bush's National Guard service.

> You're only as electable as you look once you've been chewed up and spat out by the bloggers, cable-TV babblers, and talk-radio jocks who populate the Freak Show.

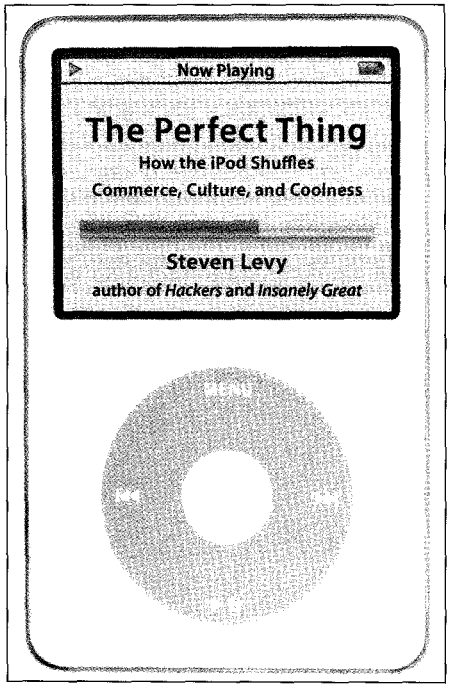
It's easy to get the impression that Halperin and Harris think presidential campaigns hinge entirely on tactical decision-making. Midway through the book they write that "[t]he presidential candidate who better keeps control of his public image wins the election." My sense is that they don't actually believe this. I suspect they really mean that tactical competence is a necessary, if not sufficient, condition for winning the presidency. Taming the Freak Show may not make you president in the absence of other strengths as a candidate. But if you can't tame the Freak Show, no amount of substantive appeal will save you.

If their view of presidential politics is correct, then Hillary may well be the Democrat to nominate in 2008. But this view has other, ominous implications. In particular, there's the fact that every Rovian innovation for dealing with the Freak Show—stiff-arming the press, putting a premium on internal unity, delegitimizing opponents, ruthlessly rebutting attacks—has the effect of reducing accountability and insulating an administration from dissent. It's not hard to see how operating in such an environment could lead to catastrophic mistakes—like, say, toppling a regime without a plan for stabilizing the country after the fact. Which suggests that, in the world Halperin and Harris posit, presidential candidates face a terrible Catch-22: They can only get elected (and re-elected) by adopting Rovian tactics. But adopting those tactics will doom their presidencies to failure.

Fortunately, I don't think Halperin and Harris are correct. I don't think John Kerry and Al Gore lost the presidency because they were inept at navigating the Freak Show, though they certainly were inept. Nor do I think Bill Clinton won in 1992 or '96 because he was so skilled at the Freak Show game. The difference between the winners and losers was the ability to articulate a compelling rationale for their candidacy. Kerry and Gore failed to and lost. Bill succeeded and won, despite taking his share of Freak Show hits. If Hillary turns out to be the Democrats' most electable candidate, it will be because she grasps this insight above all others.

Noam Scheiber is a senior editor of *The New Republic*.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



The Perfect Thing
By Steven Levy
$25, Simon & Schuster

Pet Sounds

My iPod is reading my mind.

By Kevin Drum

Back in 2001, before the iPod was introduced, I became fascinated by the idea that you could, literally, hold your entire music collection in a device not much bigger than a pack of cigarettes. So, I bought one. It came from a company called Archos, and though it was sort of clunky looking and jittered a bit when it played the MP3s I had illegally downloaded from Napster, it really did hold an astonishing amount of music.

A few months later, though, it was collecting dust in a desk drawer. My fascination with the technology had momentarily blinded me to two things: I find headphones uncomfortable and irritating, and—this is obviously the real killer—I don't listen to music very much. You see, I spend most of my time writing essays and analyzing figures, and I'm one of those people who find it nearly impossible to do those things while I'm distracted by music.

Long story short, this means that I'm probably the perfect person to review *The Perfect Thing*, Steven Levy's new history of the iPod. I still love the idea of the iPod, but I have no particular axe to grind. Mac vs. PC, Mini vs. Nano, Kazaa vs. iTunes—I don't care. I'm just curious about the remarkable subculture—a word I use advisedly—that Apple has managed to build up around its device. This makes Levy's book close to a perfect thing, too, since it's as much anthropological expedition as it is technological history.

In that spirit, I even decided to test one of the book's cultural assertions myself. Levy is convinced that "perhaps the most revolutionary aspect" of the iPod is its shuffle mode, which allows you to simply start it up and let it randomly select songs from among the hundreds (or thousands) that you've downloaded. Everyone uses it, he says. It's the "*techna franca* of the digital era."

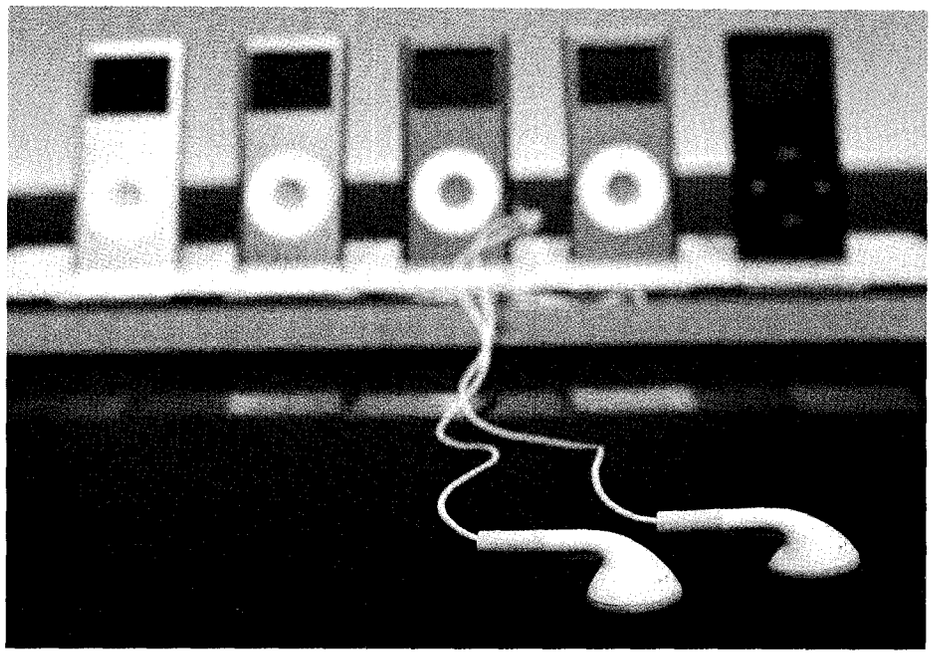
But is it? Since I write a blog, I asked my readers. Do they mostly leave their iPods on shuffle or do they choose selections themselves? It turns out that fewer than half say they rely on shuffle mode, and even the ones who do mostly shuffle only within genres or within playlists they've created themselves. For a lot of people, it's apparently just too disconcerting to hear Rachmaninoff one minute and Three 6 Mafia the next.

But guess what? It turns out that it doesn't really matter whether Levy is right or wrong about this. It doesn't even matter that shuffle play has been a commonplace practically since the invention of the CD player. Like much of the book, the chapter on shuffling is just a springboard that allows him to riff on the iPod subculture. It starts with a question: Is the iPod's shuffle mode really random? It turns out that it is, but apparently an awful lot of people refuse to believe it, all the way to the point of convincing themselves that their iPods somehow understand what mood they're in and then pick just the right tune for that mood. This leads into a reflection on the ability of the human brain to make connections even when none exists, and from there Levy meanders into the very meaning of creativity. A great DJ, he says, can "weave an intricate series of song sets, each one as perfectly constructed as a Raymond Carver short story." But

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

what does it mean if it's all an illusion? "What a cruel joke if this magic could be duplicated by software inside a plastic box. Yet I had to admit it—I was getting the same excitement from the juxtapositions of the iPod's shuffle function as I did from the truly great DJ."

Levy himself seems to perform this same mind reading trick. In the chapter called "Personal," for example, he asks, "Has the iPod destroyed the social fabric?" You know the drill: All those twenty-something slackers plugged into headphones and shutting out the rest of the world instead of engaging with the raw urgency of social life. My almost immediate thought was: give me a break. I heard the same nonsense 25 years ago when Sony introduced the Walkman. But within about three paragraphs of thinking that, guess what Levy is talking about? The fact that this is an old story. He read my mind!



GETTY IMAGES, PHOTOGRAPHER JUSTIN SULLIVAN

Or how about the chapter called "Identity"? (Yes, all the chapters have precious one-word Apple-esque titles. Deal with it.) Levy starts by describing "iPod wars," in which people walk up to total strangers in subway stations and display the currently playing tune on their iPod. Once called out, you have to display what's playing on your iPod, and whoever is playing the coolest, most outré tune is the winner.

Yawn. Even people who aren't music snobs know what that's all about. You just need to have seen *High Fidelity*, where Jack Black stole the movie as Barry, the pretentious, more-indie-than-thou record store clerk. But it's not a yawn, after all: Within seconds of thinking this, I find that Levy is deep into exactly this subject. Does the iPod actually make it too easy to find hip, edgy tracks that no one without a nose stud has ever heard of? Is indie cred a thing of the past, a victim of the ease of downloading multiple gigabytes of formerly obscure music in a matter of minutes? From there the chapter segues into a bit of academic research about the nature of playlists, followed by the humiliation Levy suffered when he traded playlists with a newfound acquaintance. "A few days after receiving the Shuffle, the recipient gently informed me that what I had thought was a respectably edgy set of tastes was really the musical equivalent of a stuffed, comfortable couch."

The whole book is like this: a nonstop collection of random connections. In fact, more random than you think: In another paean to the Apple aesthetic, Levy decided to turn his book into the equivalent of a printed shuffle play. The chapters are in random order, and the book you buy may have them in a completely different sequence than the review copy I read. Again: deal with it.

Of course, this decision also gives the game away. *The Perfect Thing* isn't really a book at all. It's a collection of stand-alone essays, all of them variations on the theme of the iPod being the coolest device ever invented. But that's a feature, not a bug, and *The Perfect Thing* made a believer out of me. The essays are loads of fun, jammed with entertaining connections, unexpected riffs, and endless stuff you've never heard of before (Andreas Pavel? Who's he?). For the moment, anyway, I'm a believer: The iPod really is the coolest device ever invented, and I want one. And when I eventually return to my senses, at least I will have loved and lost, rather than never having loved at all.

Kevin Drum, contributing writer for *The Washington Monthly*, edits the Political Animal blog at washington monthly.com.

NEW AUTHORS

PUBLISH YOUR BOOK
ALL SUBJECTS INVITED

Have you written a book, and are you looking for a publisher? Athena Press is a publisher dedicated to the publishing of books mainly by first time authors. While we have our criteria for accepting manuscripts, we are less demanding than the major blockbuster and celebrity driven publishing houses, and we will accept a book if we feel it can reach a readership.

We welcome submissions in all genres of fiction and non-fiction; literary and other novels, biography and autobiography, children's, academic, spiritual and religious writing, poetry, and many others.

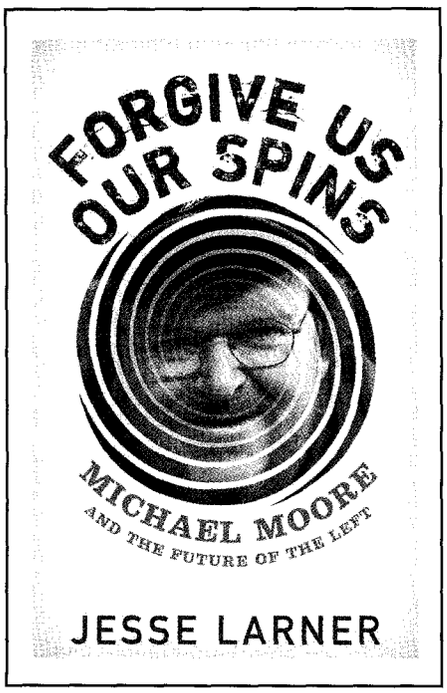
Write or send your manuscript to:

ATHENA PRESS
QUEEN'S HOUSE, 2 HOLLY ROAD,
TWICKENHAM TW1 4EG, UK.
e-mail: info@athenapress.com
www.athenapress.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Loud Mouth

What Aristotle would like about Michael Moore.



Forgive Us Our Spins
By Jesse Larner
$24.95, Wiley

By Jamie Malanowski

Jesse Larner is a learned writer of an unquestionably intellectual bent who has contributed articles to *The Nation* and appears on NPR and the BBC. He has just written a solid, thoroughly researched, amply annoted book called *Forgive Us Our Spins: Michael Moore and the Future of the American Left*, in which he examines Moore as a person, writer, filmmaker, and thinker, and in all respects finds him wanting. Larner portrays Moore as an influential political figure who commands a large audience, but whose work is fatally flawed by methodological liberties that the arrogant, narcissistic Moore felt free to take. In addition, Larner says that Moore promulgates political positions that lack nuance and insight and which are not only wrong but which are also ultimately counterproductive to the causes Moore seemingly supports. "That Moore is so profoundly unsatisfying when it comes to taking on these vital issues in the real world, as opposed to the playground world of entertainment and the emotionally satisfying world of incitement," writes Lerner, "is a measure of his ultimate failure to offer a stable and effective pole of attraction in American politics." Nor has he figured out the secrets of cold fusion, Larner may as well have added.

Gosh, call me naïve, but if this isn't a case of hunting flies with a howitzer, I haven't seen one. You can say Moore isn't funny, you can say he's wrong, you can say, as Larner convincingly does, that Moore is a cheater, you can say, as Bernard Goldberg does, that Moore ranks first among the 110 people who are screwing up America, but it's hard to blame Moore for failing to offer a stable and effective pole of attraction in American politics, a goal that has recently eluded Al Gore, John Kerry, Howard Dean, Nancy Pelosi and many, many more. A bit outside his job description, eh?

Moore represents a fairly new phenomenon in our culture. He is among that select group of communicators who have parlayed themselves into positions in the new, exploding media environment that didn't quite exist before. Think of them as hybrids: Where once we had political operatives like Lyn Nofzinger and Lee Atwater, anchormen like Walter Cronkite, pundits like the Alsops, and comedians like Mort Sahl, all tending to their plots in the garden, now we have political opundits like Tony Snow and David Gergen, comedidits like Rush Limbaugh and Steven Colbert and Al Franken, anchoredians like Keith Olbermann and Jon Stewart. One might throw the aptly named Governator Arnold Schwarzenegger into this group as well. It's proving to be a congenial era for people who have both skills and an act.

Michael Moore, documedian, is among the most successful of this new breed. As Larner recounts, Moore for many years was the editor of an alternative weekly newspaper in Flint, Mich. He parlayed his skills as a journalist, muckraker, and gadfly into a job as editor of *Mother Jones*, where his managerial and personal shortcomings were quickly exposed in an unusually

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

short-lived tenure. Nevertheless, he was able to take his severance payment and underwrite *Roger and Me*, a documentary about General Motor's purported indifference to the economic devastation that resulted from the closing of a General Motors plant in Flint. The film is most memorable for Moore's hilariously audacious efforts to talk to GM's chairman, Roger Smith, and the bureaucratic obstacles that thwarted him.

Moore worked the success of *Roger and Me* into a couple of bestselling books, two short-lived television shows, and another acclaimed documentary, *Bowling for Columbine*, about guns in America. All of this work established, as Larner shrewdly calls it, the Michael Moore brand—satirical humor grounded not so much in wisecracks or jokes but in the juxtaposition of real words and images that expose falsity and hypocrisy. These images are brought to us by Moore, in the character of a scruffy, overweight true son of the heartland. (To say he adopted the character is not to imply that Moore did anything false, but that by adopting a consistent appearance and wardrobe, Moore, like the Stetson-hatted Will Rogers or the cardigan-wearing Mort Sahl, signaled his comic persona.) Then, in 2004, Moore released his piece de résistance, *Fahrenheit 9/11*, a funny, sick-making, devastating answer to Bush administration's responses to the 9/11 attacks, including especially the invasion of Iraq. The film contains Moore's most brilliant moment as a satirist, his decision to include the raw, unedited footage of the president continuing to sit and read *The Pet Goat* after having been informed of the attack on the World Trade Center. This will surely be one of the enduring images of this progressively ineffective presidency.

Sadly, for those of us who enjoy Moore's work, he cheats. In the most devastating part of the book, Larner (drawing mostly on the work of other journalists) offers numerous examples of important moments in Moore's films where he changes things, takes them out of context, unfairly edits film, and more. For example, in *Roger and Me*, the organizing principle of the film is that Smith staunchly avoids speaking to Moore. In fact, Smith at one point did speak to Moore, about tax abatements, an untidy fact that never made it into the film. In *Bowling for Columbine*, Moore conflates two speeches by NRA president Charlton Heston, delivered more than a year apart, and edits them together such that Heston appears to be talking about prying his gun "from his cold, dead hands" in a traumatized Denver 10 days after the Columbine shootings. In *Fahrenheit 9/11*, he says that representatives of the Taliban were "welcomed" to the United States five months before the World Trade Center attacks. Not true: They met with State Department officials, but their request for diplomatic recognition was rejected. He also included footage of Bush delivering a fundraising speech in which, baring his cynical soul, he says ,"this is an impressive crowd of the haves and have-mores. Some call you the elite; I call you my base." Missing was any indication that Bush was engaging in a moment of self-parody, moments after Al Gore, in the same spirit, had just bragged about his invention of the Internet. Moore has explanations and defenses for these and other transgressions, but they don't hold water. Moore's stuff is funny because we think it's real. Oh, we know it's colored and maybe even slanted, but at some fundamental level, the stuff would pass journalistic muster. If we don't think it's real, we're not laughing, and if we're not laughing, we're not buying the Michael Moore brand. And unfortunately for Moore, even just one manipulation casts a shadow on the credibility of his entire work. It's hard to think that Moore's next project, whenever it appears, won't be viewed more skeptically.

Beyond the methodological issues, Larner has problems with Moore's thinking on key issues. "[T]he most serious problem with Moore as spokesman for a vital, popular and forward-looking left, and that is his failure to grasp the meaning of the war on terror." He disagrees with Moore's pacifism, with Moore's objection to war in Afghanistan to eliminate the Taliban, with Moore's failure to recognize the brutality of Saddam Hussein's regime as a sufficient reason for going to war in Iraq, with Moore's willingness to accuse Bush of waging war for business interests, and with many other positions Moore has taken. Larner says that these positions are wrong in themselves, but that they prevent "the decent left," in Peter Beinart's phrase—that is, the left that believes in the war—to succeed.

Well, first, I don't know why anyone who is against the war should muffle his views so that people who do believe in the war, be they on the left or the right, should prevail. Second, the problem with the phrase "Moore as a spokesman for a vital, popular and forward-looking left" is that there is no vital, popular and forward-looking left, and that Moore, if he's a spokesman for anything, is for an angry mass that doesn't like Bush, what he stands for, or what he's done, but cannot find a better spokesman to rally behind. Third, if anyone thinks Moore is a spokesman for the left, it's the Republican right and its myrmidons in the media who want to belittle him and denigrate him. The reason they want to do that is because he draws blood. For all that he's a loose cannon, the clever, incisive Moore is an effective weapon. *Fahrenheit 9/11* was a barrage that had Bush reeling, and had John Kerry not been so ineffective, the film may have been the lever that would have unseated the president.

I don't want Michael Moore making policy. I think he's wrong on a lot of issues. And I deeply resent that he resorted to manipulations to make points in his film that, if he had enough discipline, he probably could have made in other ways. But Michael Moore has guts, courage, and, as Aristotle tells us, courage is the virtue that makes all the other virtues possible. At a time when the Bush administration had effectively manipulated and scare-mongered his allies, his opponents, the news media, and the population in general into a war in Iraq that they have criminally mismanaged, Moore stood up and said, "This emperor has no clothes." That's a good enough record for me.

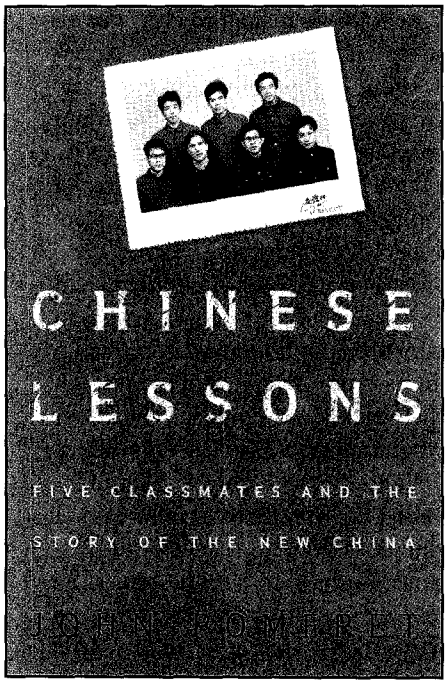
The problem for progressives in this country, and for this country in general, is not that Moore has shortcomings. The problem is that he was ever necessary.

Jamie Malanowski is the managing editor of *Playboy*. His novel *The Coup* will be published by Doubleday in the spring.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Average Zhou

A generation scarred by China's cultural revolution is taking charge.



Chinese Lessons
By John Pomfret
$26, Henry Holt & Company

By T. A. Frank

In 1970, Zhou Lianchun, a 15-year-old in Jiangsu Province, China, received a difficult assignment: He was to lead a session of "thought work" against a group of 11 fellow villagers. The problem wasn't the idea of thought work, a euphemism for the torture of so-called class enemies. Zhou had been doing that since 1966, when Mao Zedong had launched the Great Proletarian Cultural Revolution, and youths across the country had left school to form Red Guard units that set out to eradicate any vestiges of pre-Communist culture. The problem, rather, was that one of the people on the latest list of enemies was someone Zhou loved: Big Mama, his father's wife and the woman who had raised him as a son.

In one respect, Zhou was lucky. During the worst chaos of the Cultural Revolution, from 1966 to 1968, thought work often brought death to the victim. By 1970, though, simple humiliation and mental abuse were usually considered enough. So, day after day, Big Mama would kneel on a pile of straw in front of a crowd as Zhou screamed at her for taking in extra money as a seamstress, denouncing her as a "capitalist" and accusing her of harboring a "petty-bourgeois sensibility." Then the two would return home together and Big Mama would cook dinner for the household, with no one mentioning the day's events.

Today, nearly two decades later, Zhou looks back on those times and asks, "How do you think a society where that type of behavior was condoned, no, not condoned, mandated, can heal itself? Do you think it ever can?" His question reverberates through *Chinese Lessons: Five Classmates and the Story of the New China*, a book by *Washington Post* reporter John Pomfret, who was the *Post's* Beijing bureau chief from 1998 to 2003 and Beijing reporter for the Associated Press during the Tiananmen crackdown in 1989. Pomfret has been observing China for nearly three decades now, watching it evolve from impoverished Maoist totalitarianism to wealthy Deng Xiaoping-ist authoritarianism, and beyond. Economically and politically, China has come far from the bad old days, but, spiritually, as Pomfret's book makes clear, much of the poison remains.

Chinese Lessons is part memoir, part reporting. Pomfret first came to China as a visiting student in 1980. In 1981, having enrolled at Nanjing University, he had a chance to experience the country in a way that few foreigners ever do. Rather than being assigned to a dormitory set aside for two-to-a-room foreign students, Pomfret was given the option of living with seven others in a normal dormitory for Chinese. If conditions were cramped, the opportunity to befriend Chinese peers was unparalleled. (In fact, no university in China that I'm aware of offers such intermingling today.)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Here, Pomfret would meet Zhou, the former Red Guard, as well as numerous other Chinese students with whom he'd keep in touch over the years. In *Chinese Lessons*, Pomfret focuses on the stories of five of his classmates, weaving them in with his own, and opens a window into contemporary China in all its frenetic disarray.

Pomfret's classmates in 1981 had one bit of extremely good fortune in common: They were university students. The Cultural Revolution had shuttered schools for a decade, consigning an entire generation to ignorance and miserable jobs. Only a small number, most already in their mid-twenties (having spent much of their youth as Red Guards and, later, as farmworkers), were able to combine brainpower, work, and just plain luck to pass the admissions exams and escape their lot. Pomfret's friends that year were all members of this extraordinary crop, the first selected for college in 1978 after the long intellectual drought.

They'd certainly suffered enough. Wu Xiaoqing, now a professor at Nanjing University, had lost both his parents in a single day at the onset of the Cultural Revolution, when mobs paraded them about town and finally beat them to death. Guan Yongxing, the one female among the five classmates in Pomfret's account, saw her father sent away to a labor camp in 1966 and was ordered to denounce him publicly two years later. To this day, one of Guan's arms is nearly useless because doctors at the time refused to set it when schoolmates broke it. For any citizen of the People's Republic over the age of 45, such stories are common.

Lucky as they were to be in school, though, Pomfret's classmates still had to contend with the state, which held almost all the country's economic levers and exercised its grip capriciously. Graduation from school brought with it government-assigned jobs, some of which could be so dismaying (such as being dispatched to teach in some remote and poor region of the country) that students would kill themselves. Most simply accepted their fate. When Guan Yongxing was assigned to work in Beijing and her husband-to-be to Anhui Province, over 24 hours away by train, no one was willing to help keep the couple together. Guan chose to live with her husband, turning down her job and, with it, her career. For most Chinese, the early 1980s were still years of anxiety, bitterness, and jealousy.

Today, a visitor to China would see something very different. College students now graduate without work assignments, free to work in the private sector and to hop from job to job. People often own their own homes, and they can rent apartments on the open market. Unmarried couples often move in together. China has bohemian painters, punk rockers, and millionaire capitalists. The opportunities for making money outside of the government are plentiful (and, sadly, inside government, even more plentiful). Fear has subsided greatly.

For all these changes, though, Pomfret's book reminds us of the extent to which brutality, deception, and corruption still bedevil everyday life. When Guan Yongxing decides to bring a ray of hope to a fatherless and destitute peasant girl, she avoids going through any charities (they pilfer the money) and instead sends $65 by mail to the girl's mother each month. Unfortunately, postal workers regularly steal it, and the party chief of the village demands a cut. In 2002, when Zhou Lianchun is teaching a class on Marxism at the Anhui Institute of Finance and Trade, a student writes up an eight-page denunciation of Zhou for being anti-party and anti-Mao. Why, wonders Zhou, when so many students cheat and plagiarize in college, would this student make such an effort? "I think the real reason is that he wanted to show he'd be a good party member," Zhou speculates. "I think these kids have even fewer principles than even we did." Mao may be dead, but the party goes on.

Perhaps no character better sums up the bloat and rot in China's elite today than the book's fifth main character, Ye Hao. In 1981, he is an aspiring apparatchik who keeps a safe distance from his roommate Pomfret and focuses his attention instead on flattering party superiors. By the late 1990s, he has become a party bigwig in Nanjing, and when we meet him again in 2004, he's just spent the summer at Wharton. This stint in business school and a trip to Nevada have inspired Ye to revamp Nanjing's downtown to make it more closely resemble Las Vegas. Over the years, he's also managed to clear out all the street peddlers and beggars, sometimes jailing them, other times tacitly allowing them to be kidnapped and put to work in factories. An enthusiastic horseman, Ye has at the ready a Mongolian pony, the gift of a real estate developer. (Ye might make a good congressional representative from San Diego.) At one point, when Ye arrives in a chauffeured Audi to pick Pomfret up for dinner, the driver knocks over an elderly bicyclist and sends him headfirst into the asphalt. "Don't worry about him," Ye shouts to Pomfret. "Get in."

I enjoyed *Chinese Lessons*, and I imagine both general readers and professional China hands will, too. The stories are vivid, and the book is expertly constructed. Luckily for Pomfret, he has a knack for being in China at the right time, at least journalistically, as he was during the Tiananmen protests of 1989. His description of that brief and giddy outpouring of freedom and the subsequent crackdown is gripping. His political outlook, too, while only hinted at, is agreeable. Pomfret clearly believes China would have been better off had the Communists never come to power, an opinion more unusual among China experts than one might think.

If I wished for anything more out of the book, it was for an even closer examination of some of the characters. Ye, in particular, remains somewhat cartoonish in his venality. (To be sure, power can do that.) But even some of the more fleshed-out characters pres-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ent contradictions that seem worth exploring further. Take Zhou, the Red Guard who denounced the woman who raised him. On the one hand, he possesses an extraordinary degree of moral and intellectual courage. We read that he returned on his own initiative to his home town of 2,500 people in 1988 to assess the damage done during the Cultural Revolution. (The findings: two tons of books burned, nine temples ransacked, hundreds of carvings destroyed, dozens of people seriously injured, and 10 people so traumatized by their beatings that they shortly afterwards committed suicide.) On the other hand, he is also an entrepreneur who engages in much of the shadiness that gives Chinese business a bad name. As Pomfret notes in an aside, Zhou and his partner have "dodged taxes, disobeyed local pollution regulations and offered skimpy benefits to their workers." Such inconsistencies are common enough anywhere, but they still merit an effort to reconcile them.

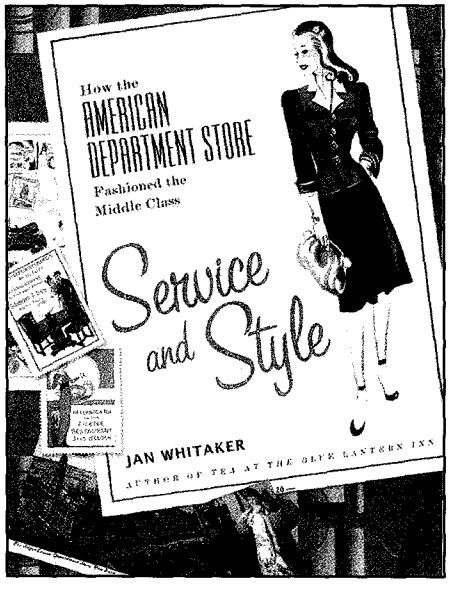
Also, Pomfret's description of his love life, which has included several Chinese girlfriends, can be disquieting, mainly because the workings of Chinese-foreign love affairs are inherently tense. One party generally has wealth and liberty and becomes a gatekeeper to both, while the other party has nothing. Pomfret knows this, of course, but I still found myself wishing he'd act a little more uncomfortable about it.

But this is minor stuff. Pomfret has gracefully tied together dozens of threads, gathered from years of travel and research, and made the effort look easy when it surely wasn't. Even when the picture he paints is familiar, the execution makes it worthwhile. To be sure, this book won't clear up the bewilderment that China can produce in those who try to understand it. (Indeed, the Chinese themselves are perhaps the most baffled of all.) But it presents the mystery awfully well.

T.A. Frank is a *Washington Monthly* consulting editor.

The Invention of Shopping

How the department store brought us teenagers, naval disarmament, and Salvador Dali.



Service and Style
By Jan Whitaker
$35, St. Martin's Press

By Christina Larson

May I help you find suspenders to match the piano? A tie to go with your tea? Some Mozart for your handbag? If the modern art of selling depends upon creating associations, today's sales mavericks owe a lot to the history of the department store, the original lifestyle marketers.

In the early decades of the 20th century, if you were a person of moderate means and wanted to hear a piano recital, watch a film, sip tea, get a manicure, visit a travel bureau, or sign the kids up for bicycle lessons, the place to go was a downtown department store. Urbanization and rising wages created conditions for the retail giants to thrive, but their fundamental success hinged on an essential insight that still rings true today: Shopping was an excuse to have an experience.

Today, Americans shop for necessities, shop for status, shop to socialize, shop to escape, shop to people-watch, shop to educate, and shop as therapy. But it was not always a foregone conclusion that a nation of hardscrabble pioneers

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

would become a nation of shopaholics. Jan Whitaker's history, *Service and Style: How the American Department Store Fashioned the Middle Class*, helps shed light on the origin of the *genus mall rat*. A social historian whose previous book examined the 1920s tearoom craze, Whitaker here looks at the role of the department store in creating the modern consumer. She details how department stores, which dominated American retail in the early 20th century, helped give "material expression to vague ideas of what success, femininity, citizenship, and popularity might mean," then put the identifying accessories (briefcase, lingerie, top hat, tennis racket) within reach of most customers. The secret to the stores' success was that they were always selling more than the thing itself.

You might ask whether, on balance, Americans have been liberated or enslaved by the endless parade of newer, cheaper stuff. Historically, department stores have helped blur class distinctions (anyone can own a fur coat), unburden housewives (clothes come off the rack, not the sewing machine), assimilate newcomers (to attract new business, New York stores once hired translators for the Ellis Island crowd), spread culture (the living-room piano is a household fixture thanks to marketing), and keep hometown newspapers afloat (ads, ads, ads). On the other hand, you might wonder, do I really need to count the days of Christmas with shopping carts, renovate my wardrobe each season, purchase appliances every nine months (they just aren't made to last), and squeeze into the latest cut of jeans to feel sexy?

Whitaker doesn't try to answer. She is primarily concerned with documenting how Macy's, Gimbels, and Bloomingdale's rose from humble origins selling staple goods in the late 19th century to become cultural icons peddling items of choice in the 20th, in the process creating a host of habits and traditions most of us now take for granted as the American way.

Victoria Rex to Victoria's Secret

Department stores emerged as the Wal-Marts of their time, known for low prices, convenience, and controversy. When the first stores opened in the 1870s and '80s, they were cavernous, no-frills storerooms that stocked a hodgepodge of items once available only from specialty merchants. The different merchandise lines were known as "departments." At these one-stop Victorian shopping destinations, the sales staff might not have known silk from twill, or how to trim a jacquard vest, but the prices were low, and one could pay in cash—an innovation at a time when most retailers required annual credit lines that were extended only to wealthy regular patrons.

Not everyone was a happy customer. Established venders feared being driven out of business, and indeed many Main Street tea merchants, booksellers, crockery stores, and glassware dealers did lose patrons and close shop. Other early critiques were less about cents than sensibility. In 1897, *Scribner's* lamented the big stores' tawdry sales events; banal and homogenous goods; and appeals to customers as crowds, rather than as selective individuals. Mark Twain found maddening the stores' practice of heaping goods of no practical relation on adjacent tables for customers to simply rummage through. Of particular offense was the sight of an autobiography of President Ulysses S. Grant strewn alongside the rugs and teapots at John Wanamaker's store in Philadelphia. Clemens, who had co-published the book, blasted Wanamaker as "that unco-pious butter-mouthed Sunday school-slobbering sneak-thief."

Bad publicity aside, as Whitaker points out, "outweighing all the department store negatives was one huge positive fact: millions of people shopped in them." By 1900, eight

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Chicago department stores together dominated the city's commercial life, commanding nearly 90 percent of retail business, excepting groceries. Stores and customers grew rapidly in other cities as well.

American department stores grew up in the age of breakneck urban growth. At the turn of the century, Americans were busy trading ploughshares for factory jobs, and the nation absorbed 23 million immigrants. As the economy shifted from an agrarian to a manufacturing base, people crowded into fast-growing cities and found they had new needs and more money to spend. The term "downtown" entered daily speech. Innovations that enabled the growth of cities also boosted the department store. Gas and later electric lights made cities safe to stroll at night. New subway systems and electric streetcars enabled morning commutes, and afternoon shopping excursions. By 1890, over two billion passengers rode on streetcars each year in the nation's largest cities.

Department store business grew briskly, especially during wartime, when jobs and wages were on the rise. Demand for consumer goods roughly tripled between 1909 and 1929. By the time Woodrow Wilson was president, department stores were familiar downtown landmarks in cities large and small, from New York to Cleveland to Seattle. They had not only become mainstream establishments, but also anchors for urban shopping districts. Hudson's sales grew tenfold between 1912 and 1923; Dayton's volume jumped 27 times between 1902 and 1928.

Flush with cash and swelling ambitions, many downtown stores were remodeled in the roaring twenties as modern pleasure palaces: high ceilings, wide cathedral-like columns, marble floors, wide aisles, and Art Deco facades. Some also added tearooms, restaurants, and concert halls. "Since the essence of what department stores brought to the public was *the new*," Whitaker notes, "they faced a need for constant modernization." Department stores also amazed the public with modern marvels—air-conditioning! escalators! electric lighting!—not yet available in most American households. (At the same time, the stores could no longer win customers on price appeals alone, as they now faced competition from newly incorporated dime stores.)

In their heyday, downtown department stores were both tastemakers and social centers. In 1930, Halles in Cleveland held piano recitals, bridge clinics, expressionist film screenings ("The Cabinet of Dr. Caligari"), and a forum on naval disarmament. Bloomingdale's annual dog show debuted the next year. Macy's Thanksgiving Day Parade, which began in the 1920s, drew crowds of more than a million by the mid-1930s. In 1939, Salvador Dali was commissioned to design window displays for Bonwit-Teller's in New York (alas, the mannequins adorned with dirt, insects, and dried blood lounging beside fur-lined bathtubs elicited customer complaints). In the days before TV talk shows and primetime broadcasts, when New York Mayor Fiorella LaGuardia wanted to address the public on matters of municipal importance, he would sometimes speak from the balcony of Hearn's department store.

War rationing and supply problems in the 1940s—buyers were cut off from the fashion houses of Paris—forced stores to adapt their business plans and create new fashion idols. Henceforth they would plan to keep stocks low, sell goods quickly, and convince the customer that he or she *really* wanted what they had to sell. At the same time, stores began aggressively promoting American designers and sportswear staples such as golf shirts. Marketers turned to Hollywood for inspiration and advertising tie-ins and helped shift the gaze of American fashionistas from European palaces to Californian beaches. Casual dress was here to stay.

But when American cities began to struggle, so did the big stores. Consumer demand skyrocketed with the post-war baby boom, but the surge was, in retrospect, a going-away party. Department stores had risen to prominence alongside cities, public transportation, and vibrant downtown corridors. As families moved to suburbs, traffic clogged city streets, and people preferred to shop closer to home, downtown stores saw business stall, then decline. Sales teams tried to hold the inevitable at bay—when parking shortages became an issue, Strawbridge & Clothier's board of directors contemplated building helipads on the roof to attract suburbanites (remember, this was the era of "The Jetsons"). But the basic organizing principles of American life and work were shifting, and the basic act of acquiring goods was, too. Department stores opened branches in suburban shopping malls that kept their corporate parents afloat in the 1960s and beyond, selling sweaters and Father's Day ties. Elaborate holiday decorations and Santa's little helpers (figments of earlier marketers' imagination) were here to stay, but the stores lacked power to create new traditions. At same time, a new class of competitors emerged. In 1962, the first Wal-Mart, Kmart, and Target stores opened; three years later, the new discount stores' sales volume exceeded that of department stores.

> It was not always a foregone conclusion that a nation of hard-scrabble pioneers would become a nation of shopaholics.

Prêt-à-porte on the praire

If Mother Nature created summer, winter, autumn, and spring, the department store gave us back-to-school, summer dresses, holiday parades, and shopping sprees. As dominant retailers in the early 20th century, they helped raise consumer expectations and standards of living, and defined the stages of our lives (before marketers discov-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ered a unique *teen* market, there were only children and young adults). In their efforts to peddle the greatest goods to the greatest number, the big stores also showed that retail business is not simply a race to bottom; Americans are aspirational shoppers.

Whitaker's book is both inventive and entertaining, and she has no ideological axe to grind. *Service and Style* exquisitely illustrates how the department store gave new meaning to the phrase, "I need it." Yet the book would also have benefited from a greater sense of perspective and, in some cases, precision. Whitaker doesn't make clear how store resources were allocated, what items were consistent bestsellers, how customer demographics changed over time, and how stores varied from city to city. There are no extended case studies of individual stores.

Though the book's title alludes to the *American* department store, Whitaker does not plumb what here is uniquely American. But it is a revealing question. In Europe, department stores have historically played a far less expansive role. There are a few great stores (Harrods of London, for instance), but few giant chains; stores usually thrived in great capitals (often they were modern incarnations of court-suppliers), not mid-sized cities. Though lavishly decorated, European stores never hosted the same range of social and cultural events as their American counterparts. Whitaker does not explore this comparison, but her research points toward a partial explanation, in pinpointing the intertwined rise of American cities and department stores.

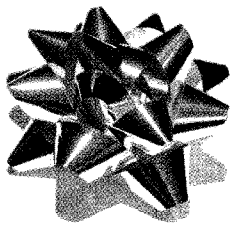
One could say that what enabled the American department store to wield such broad influence was not just savvy marketing, it was a void. In the late 19th century, American cities leapt into being out of nothing—or out of little more than a fort or a trading post on the plains. Fortunes were being made, status was up for grabs, and there were few cultural instructors or repositories of tradition. (In Europe, industrial-era cities grew from towns with established social, religious, and cultural arbiters.) Americans had greater disposable income, often coupled with a frontier mentality: Many lived far from where established cultural institutions shaped ideas of sophistication, yet they had aspirations. In those circumstances, department stores rose to fill many roles. At a time before mass media, the stores provided a window on the world, a valuable public meeting space (no membership required to drop by), as well as ever more material goods.

For half a century, department stores were towering downtown landmarks. Today they sell handbags and hats, but no longer stand at the intersection of American social, cultural, and economic life. As families have moved to suburbs, and as more retail business has moved online, the notion of such a center—alas—now seems quaint.

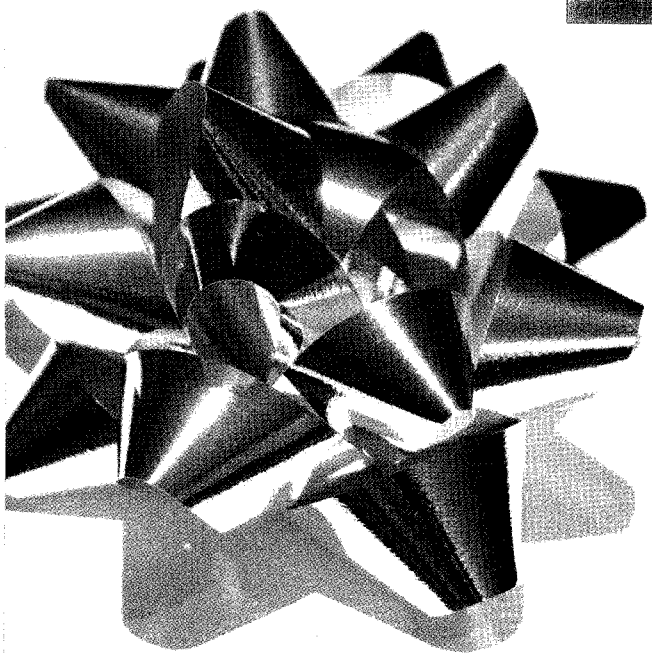
Christina Larson is managing editor of *The Washington Monthly*.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

This holiday give everyone



Frankness Sense & Mirth



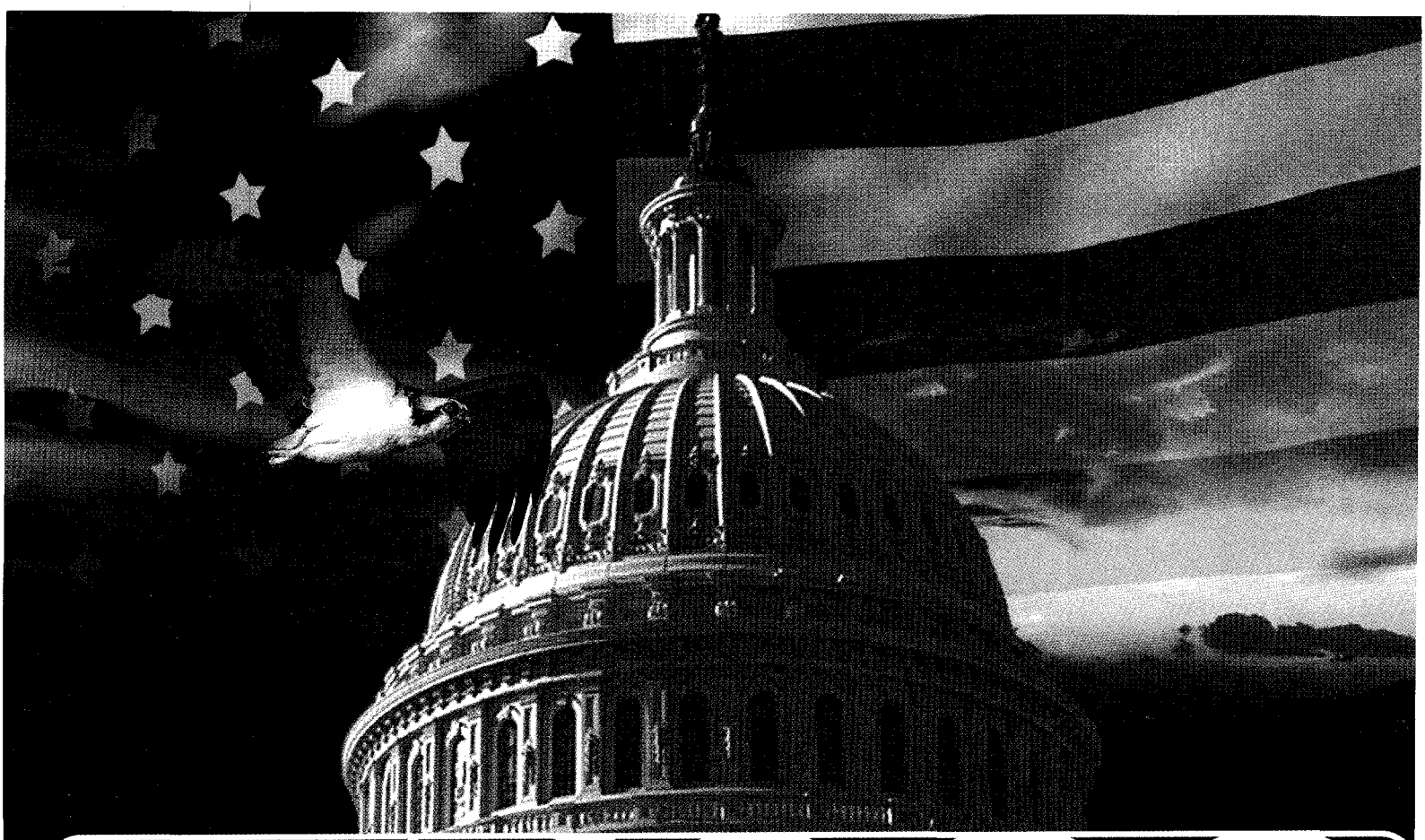
Give them The Washington Monthly!

Long after the fruitcake has gone stale, *The Washington Monthly* will keep arriving, fresh and stimulating. You won't have to stand in line with the rest of the holiday shoppers, or take it back in two weeks because it doesn't fit.

Share *The Washington Monthly* with friends at a special holiday rate. You get the first subscription for $26, then every additional subscription for only $20.

To order, visit www.washingtonmonthly.com, then click on "Give as gift" in the right-hand column. Or use the gift card enclosed in this magazine.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



AM 1260

PROGRESSIVE TALK

Talk Radio For The Rest Of Us!

www.progressivetalk1260.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED